

ZONING ORDINANCE
OF THE
VILLAGE OF DURAND

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VILLAGE OF DURAND

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TABLE OF CONTENTS

Article

I GENERAL

Section	100	Objectives of the Zoning Ordinance.....	7
	101	Nature of the Zoning Ordinance.....	7
	102	Interpretation.....	8
	103	Application.....	8
	104	Establishment of Districts.....	8
	105	District Boundaries.....	8
	106	Conformity Required.....	9
	107	Definitions.....	9-20

II GENERAL PROVISIONS

Section	200	Basic Requirements of All Districts.....	21
	201	Site Area and Dimensions: Requirements And Exceptions.....	21-23
	202	Building Height Limits.....	24
	203	Accessory Structures.....	24-25
	204	Annexed and Unzoned Territory.....	25

III NONCONFORMING STRUCTURES AND USES

Section	300	Continuance of Use.....	26
	301	Discontinuance of Use.....	26
	302	Change or Conversion of Nonconforming Use.....	26
	303	Termination and Removal of Nonconforming Uses and Structures in Residential Districts.....	27
	304	Repair and Alterations.....	27
	305	Damage and Destruction.....	27
	306	Additions and Enlargements.....	28

IV DETERMINATION AS TO USES NOT LISTED

Section	400	Purpose and Initiation.....	29
	401	Application.....	29
	402	Investigation.....	29
	403	Determination.....	29
	404	Effective Date of Determination.....	29
	405	Appeal to Village Board of Trustees.....	29
	406	Determination by Village Board of Trustees.....	29

V HOME OCCUPATIONS

Section	500	Required Conditions.....	30
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VI RESIDENTIAL DISTRICTS

Section 600 Rural Residential and R1 One-Family.. 31

600.1 Purpose..... 31

600.2 Required Conditions..... 31

600.3 Permitted Uses (RR&One Family Resident) 31-32

600.4 Special Uses 32

601 R2 Two Family & RM Multi-Family Resid. 32

601.1 Purposes 32-33

601.2 Required Conditions 33

601.3 Permitted Uses 33

601.4 Special Uses 33-34

VII COMMERCIAL DISTRICTS

Section 700 Purposes.....35

701 Required Conditions.....35-36

702 Permitted Uses.....36-38

703 Special Uses.....39-40

VIII INDUSTRIAL DISTRICTS

Section 800 Purposes.....41

801 Required Conditions.....41-42

802 Permitted Uses.....42-43

803 Special Uses.....43-44

804 Setback and Yard Requirements.....44

IX MOBILE HOME PARKS

Section 900 Intent and Purpose.....45

901 Occupancy.....45

902 Pre-Application Requirements.....45

903 Required Conditions.....45-46

904 Design and Performance Standards.....46-47

IX-B PLANNED UNIT DEVELOPMENT

950 Planned Unit Development.....48-52

X SIGNS

Section 1000 Purpose.....53

1001 General Provisions.....53-59

1002 Residential Districts.....59-61

1003 Commercial/Industrial Districts.....61-64

1004 Exceptions64

XI OFF-STREET PARKING AND LOADING

Section 1100 Purposes.....65

1101 General Provisions.....65

1102 Additional Regulations - Parking.....65-66

1103 Schedule of Parking Requirements.....66-67

1104 Additional Regulations - Off-Street Loading.....67-68
 1105 Schedule of Loading Requirements.....68-69

XII VARIATION

Section 1200 Purpose.....70
 1201 Application and Fee.....70
 1202 Public Hearing: Notice.....71
 1203 Public Hearing: Procedure.....71
 1204 Action by Zoning Board of Appeals.....71
 1205 Conditions.....71
 1206 Action by Village Board of Trustees.....71-72
 1207 Lapse of Variation.....72
 1208 Revocation.....72
 1209 New Application.....72

XIII SPECIAL USES

Section 1300 Purpose.....74
 1301 Application and Fee.....74
 1302 Public Hearing: Notice.....75
 1303 Public Hearing: Procedure.....75
 1304 Action by Zoning Board of Appeals.....75
 1305 Conditions.....75
 1306 Action By Village Board of Trustees.....75
 1307 Lapse of Special Use Permit.....76
 1308 New Application.....76
 1309 Revocation.....76
 1310 Special Use Permit to Run with the Land.....76
 1311 Special Use Permit for Planned Community Development.....76-78

XIV AMENDMENTS

Section 1400 Purpose.....79
 1401 Initiation.....79
 1402 Application and Fee.....79
 1403 Public Hearing: Notice.....80
 1404 Public Hearing: Procedure.....80
 1405 Action by Zoning Board of Appeals.....80
 1406 Action by Village Board of Trustees.....80
 1407 Effect or Denial of an Amendment.....80

XV ADMINISTRATION

Section 1500 Zoning Office.....81
 1501 Zoning Board of Appeals.....81-82
 1502 Appeal of Zoning Officer's Decision.....82-83
 1503 Enforcement.....83

XVI ZONING PERMIT AND CERTIFICATE OF OCCUPANCY

Section 1600 Purposes and Requirements.....84
 1601 Application and Issuance of Zoning Permit.....84

1602 Issuance of Building Permit.....84
1603 Issuance of Certificate of Occupancy....84

XVII SEPARABILITY

Section 1700 Intent.....85

XVIII SCREENING & BUFFERING

Section 1800 Screening & Buffering.....86
1801 Intent86
1802 Wall and Fence Materials86
1803 Landscape Berms and Planting Strips86-87
1804 Distance Buffering87
1805 Required Screening for Trash Areas.....88
1806 Vision Clearance on Corner & Alley Lots.88
1807 Exceptions & Interpretation.....88
1808 General Plant Requirements88-89

ORDINANCE NO. 1973-3

An Ordinance of the Village of Durand, State of Illinois, establishing for the Village of Durand a zoning map designated district boundaries and adopting regulations controlling the use of land, the bulk, locations and uses of structures, the areas and dimensions of sites, and the appearance of certain uses and structures; requiring the provision of usable open space, and off-street parking and loading; providing for the amendment of the district boundaries and the regulations; and providing for the administration and enforcement of the regulations and prescribing penalties for the violation thereof, hereinafter referred to as the Zoning Ordinance of the Village of Durand.

Be it ordained by the Board of Trustees of the Village of Durand as follows:

ARTICLE I

GENERAL

Section

100 Objectives of the Zoning Ordinance. The Zoning Ordinance is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the zoning ordinance is adopted in order to achieve the following objectives.

- A. To implement the policies and proposals of the Durand Comprehensive Plan prepared by the Village of Durand Planning Commission and adopted by the Village Board of Trustees.
- B. To divide the Village of Durand into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, commercial, industrial and other specified uses, thereby providing a framework upon which the community can develop in a very orderly manner.
- C. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.
- D. To present additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
- E. To prevent the overcrowding of land and undue construction of structures so far as possible and appropriate in each district by regulating the use and bulk of buildings in relation to land surrounding them.
- F. To promote and protect the public health, safety, comfort and general welfare of the people by the regulation of land uses as appropriately deemed necessary to limit congestion on the public streets and traffic and pedestrian conflicts.
- G. To apply said zoning district in such a manner as to stabilize established residential, commercial, or industrial area thereby preventing intrusion of incompatible or nuisance uses and encouraging the reconstruction of and the rehabilitation of said areas by property owners with uses permitted within the district.

Section

101 Nature of the Zoning Ordinance. The Zoning Ordinance shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land; the uses and location of structures; the appearance of certain uses and structures; the areas and dimensions of sites; the location and size requiring the provision of usable open space and off-

street parking and loading.

Section

102 Interpretation. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. No provisions of this Ordinance is intended to repeal, abrogate, annul, impair, or interfere with any existing ordinance of the Village of Durand, except as is specifically repealed herein, provided that where this Ordinance imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures, or greater areas or dimensions of sites, than is imposed or required by an existing ordinance, this Ordinance shall control.

This Ordinance is not intended to abrogate, annul, impair or interfere with any easement, or other agreement between parties, provided that where this Ordinance imposes a greater restriction on the use of land or structure or greater area or dimensions of sites that is imposed or required by deed restriction, covenant, easement or other agreement, this Ordinance shall control.

Section

103 Application. This Ordinance shall apply to all property except railroad rights-of-way, underground utility lines and facilities, telephone cable and supporting poles, and electric distribution lines, not including transmission lines, whether owned by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the State of Illinois or any of its agencies or political subdivisions; by any city or county, including the Village of Durand or any of its agencies; or by any authority or district organized under the laws of the State of Illinois.

Section

104 Establishment of Districts. In order to carry out the purposes of this Ordinance the following districts are established.

RR - Rural Residential District
 R1 - One-Family Residential Districts
 R2 - Two - Family residential Districts
 RM - Multiple-Family Residential District
 CR - Commercial Retail District
 CG - Commercial General District
 IL - Light Industrial District
 IH - Heavy Industrial District

Section

105 District Boundaries. Wherever any uncertainty exists as to the boundary of the district as shown on the zoning map, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, or water-course, it shall be construed as following the centerline thereof.
- B. Where a boundary line follows or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.
- D. Where further uncertainty exists, the Zoning Board of Appeals, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to

the location indicated on the zoning map and the objectives of the zoning ordinance and the purposes set forth in the district regulations.

Section

106 Conformity Required.

- A. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the site or structure is located.
- B. No structure shall be erected and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations for the district in which the structure or use is located.
- C. No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.
- D. No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for this district in which the yard, court or open space is located.
- E. No site held on one ownership at the time of the adoption of this Ordinance or any time thereafter shall be reduced in any manner below the minimum area, frontage, width or depth prescribed for the district in which the site is located.
- F. All nonconforming structures and uses shall be governed by the provisions of Article III.

Section

107 Definitions.

For the purpose of this Ordinance, certain words and terms used herein are defined as follows:

All words in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise; the word "shall" is mandatory and not discretionary.

Abandonment. A voluntary action to give up one's rights or interests in property.

Accessory Building. An "accessory building" is one which:

- 1) Is subordinate to and serves a principal building or principle use;
- 2) Is subordinate in area, extent or purpose to the principal building or principal use served;
- 3) Contributes to the comfort, convenience or necessity or occupants of the principal building or principal use served; and
- 4) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accessory Use. An accessory use is one which is incidental to the main use of the premises and is limited to the following:

- 1) A children's playhouse, garden house, and private greenhouse;
- 2) A garage, carport, shed, or building for domestic storage;
- 3) Outdoor heat supply units;
- 4) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- 5) Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations;
- 6) A nonpaying guest house or rooms for guests within an "accessory building", provided such facilities are used for the occasional housing of guests by the occupant of the principal building and not for permanent occupancy;
- 7) Swimming pool, bathhouse, cabana, for use by the occupant and his guests;
- 8) Off-street motor car parking areas and loading and unloading facilities;
- 9) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance; and
- 10) Public utilities facilities - telephone, electric, gas, water, and sewer lines, their supports, and incidental equipment.

Agricultural Services. Establishments engaged in providing services to agricultural establishments and landowners including soil preparation, crop services, veterinary services, farm management, and landscape and horticultural services.

Alley. A public way used as a secondary means for vehicular services access to the rear or side of properties otherwise abutting on a street.

Alterations, Structural. Any change, addition or replacement of the supporting members of a building or structure.

Amusement and recreation services. Establishments not defined elsewhere, engaged in providing indoor and outdoor amusement, entertainment and recreation to the general public. Includes both indoor and outdoor activities.

Apartment. A room or suite of rooms in a multiple-family dwelling, including where one or more living units is established above nonresidential uses, intended or designed for use as a residence by a single family. Complete kitchen and permanently installed bath facilities must always be included for each apartment.

Apartment Hotel. An apartment building under resident supervision which maintains an inner lobby or lobbies through which all tenants must pass to gain access to the apartments and which

may furnish for the exclusive use of its tenants by previous arrangement, but not to anyone who may apply, the services ordinarily furnished by hotels.

Apartment House. A building having accommodations for and occupied exclusively by more than two (2) families. Complete kitchen and bath facilities, permanently installed, must be included for each apartment.

Area, Building. The total of areas taken on a horizontal plane at the main grade level or the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, Habitable. Building area minus square footage occupied by interior partitions and exterior walls.

Area, Net Site. The total area within the property lines excluding exterior streets.

Automobile Repair and Services. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers. Collision services including body, form, or fender straightening or repair. Overall painting or paint shop and vehicle steam cleaning. Automotive services include car washes, except for single stall car washes incidental to the sale of gasoline.

Automotive, Implement, and Recreational Vehicle Sales. An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done.

Automotive, Implement and Recreational Vehicles. Enclosed building where repairs are done.

Automotive Service Station or Gas Station. A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles, including greasing, oiling, and single stall car washes incidental to the sale of gasoline.

Babysitting Service. A building or portion thereof used for the care of from one (1) to seven (7) children excluding the children of the occupant of the building residing in said building and subject to the Home occupation permit requirements.

Basement. A portion of a building or structure with the floor located below grade level. A basement shall be counted as a story for purposes of height measurement when one-half (½) or more of its height is above grade level.

Bed and Breakfast. One-family dwelling in which paying guests may be lodged or boarded.

Block. A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines of municipalities.

Boarding and Lodging House. A dwelling other than a hotel or restaurant where lodging and/or meals are provided for compensation to guests who are not members of the resident manager's family.

Buildable Area. The space remaining on a lot after the minimum yards and setback requirements of this Ordinance have been compiled with.

Building. Any structure having a roof supported by columns or walls permanently attached to the

ground and intended for the shelter, housing or enclosure of persons, animals, chattels, or property of any kind.

Building Area. The maximum horizontal projected area of a building and its accessory buildings, excluding cornices projecting not more than thirty (30) inches, open steps and unroofed terraces.

Building, Detached. A freestanding building surrounded by open space on the same zoning lot.

Building, Front Line Of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered or enclosed porches, but does not include steps.

Building Height. The vertical distance from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Line. A line running parallel to a street located at the minimum horizontal distance between the building and the street right-of-way line on any lot, tract or parcel of land.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Setback Line. A line parallel to the street line at a distance from it, regulated by the setback requirements set up in this Ordinance.

Building Supply Stores. Retail establishments engaged primarily in the selling of lumber and other building materials.

Bulk. The term used to indicate the size and setbacks of building or structures and location of same with respect to one another and includes the following:

- A. Size and height of buildings;
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- C. Gross floor area of buildings in relation to lot area;
- D. All open spaces allocated to the buildings;
- E. Amount of lot area per dwelling unit;
- F. Required parking areas.

Camping Apparatus. Includes but not limited to tents, and all other temporary structures used for overnight camping.

Camping Trailer. A canvas, material, or other metal structure, mounted on wheels, and designed for travel recreational or vacation uses.

Carport. A permanent roofed structure with not more than two enclosed sides and used or intended to be used for automobile storage or shelter.

Civic Uses. Community center, public library, public recreation, post office, fire station, public botanical garden, and similar public uses (each without outdoor storage).

Clinic, Medical or Dental. A building or complex in which an organization of physicians, dentists, chiropractors and/or individuals practicing acupuncture and/or holistic healing, work cooperatively and have their offices in a common building. A clinic shall not include in-patient care.

Clubs and Associations. A non-profit association of persons, who are bona fide members paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club or Lodge, Private. A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. All private clubs or lodges as defined above shall be permitted to rent or lease their premises which are not inconsistent with the permitted uses of said facility of the private club or lodge.

It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms and provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Village laws.

Commercial Truck. A truck used primarily for commercial purposes. Semi-trailers, full trailers and diesel cabs are considered to be commercial trucks.

Community Based Housing. Housing for handicapped individuals, except any individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others. The term "handicapped" means, with respect to an individual (1) a physical or mental impairment that substantially limits one or more major life activities of such individual; (2) a record of having such impairment, or (3) being regarded as having such an impairment; but does not include current alcohol abuse and current, illegal use of or addiction to a controlled substance.

Community Service Organizations. A facility for community use which includes two or more of the following: recreation facilities, fitness center, educational programs, and/or meeting rooms. Examples include the YMCA, YWCA, Community Centers and Boys' Club.

Condominium. System of separate ownership of individual units in a multiple-unit building with common walls and/or common areas.

Contractors—Building Construction. General and special trade contractors who undertake activities related to building construction including general construction, electrical work, painting, plumbing, heating, air conditioning, roofing and sheet metal work.

Contractors—Heavy Construction. General contractors engaged in heavy construction other than buildings, such as highways, bridges, sewers, railroads, and airports.

Convenience Store. Any retail establishment serving primarily the surrounding neighborhood and offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area less than 5,000 sq. ft.. Convenience stores may include the sale of gasoline and oil.

Court. An open unoccupied space bounded on two or more sides by the exterior walls and lot lines.

Count, Inner. A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Coverage. That percentage of the plot or lot area covered by the building area.

Daycare Centers. A licensed facility where a person other than a relative or guardian provides care and supervision for preteen children for less than 24 hours a day and for compensation. (

Day Nursery School. A building or portion thereof used for the care of eight (8) or more pre-school age children, excluding the children of the occupant of the building residing in the said building.

Deck. A flat floor area attached to or adjoining a residence which is not enclosed and does not contain a solid roof.

District. An area or section of the Village within certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

District Boundary. A line forming one (1) of the boundaries of a given district.

Drive-In Restaurants. Any establishment where food, and/or beverages are sold to customers for consumption in an automobile parked upon the premises.

Dwelling. A building or portion thereof, but not including a travel trailer, mobile home, camper, or houseboat designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling, One-Family. A dwelling unit designed exclusively for use and occupancy by one family.

Dwelling, Two-Family. A building designed or altered to provide dwelling units for occupancy by two families living independently of each other with separate kitchen and bathroom facilities.

Dwelling, Multiple-Family. A building having accommodations for and occupied exclusively by more than two (2) families living independently of each other with separate and complete kitchen and bathroom facilities.

Educational Institution. Public, parochial, charitable, or nonprofit nursery, elementary, junior high, high school, junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, storm weather conveyances, or other comparable utilities. Essential services include such above surface facilities as poles, guide wires, fire alarm boxes, and stand pipes. Essential services do not include larger utility facilities such as electric substations, waste water treatment plants, well houses and water reservoirs.

Family. One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

Fire Hazard. Any area of land, including the structures thereon, that is used or intended to be used for manufacturing processes of, or the storage use of manufacture of material

establishments, cleaning plants, coal and coke yards, contractor's plant or storage yards, foundries or forges, feed establishments, freight yards or terminals, junk yards, laundries, lumberyards, paint stores and shops, potteries, paper storage, welding shops, warehouses, wholesale houses and storage, use or manufacture of explosive gases, liquids or solids.

Floor Area, Gross. For the purpose of determining requirements for off-street parking and off-street loading the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for purposes of measurement for off-street parking spaces, shall not include: Floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, include aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Front Lot Line. The boundary of a lot along a street or right-of-way, and for a corner lot, the front lot line shall be the shorter lot boundary along a street or right-of-way.

Front of Building. The side of a building most nearly parallel with adjacency to the front lot line.

Garage. An accessory building intended or designed to be used for the storage of non-commercial motor vehicles. The term "garage" includes the term "carport."

Garage, Private Storage. An accessory building housing not more than four (4) motor-driven vehicles.

Garage, Public. Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, renting, selling or storing motor-driven vehicles.

Grade. The average level of the ground adjacent to the exterior walls of the building.

Grade, Established. The elevation of the center line of the street as officially established by the village authorities.

Grade, Finished. The completed surfaces of lawns, walks and roads brought to grades shown on official plans or designs relating thereto.

Guest House. Living quarters within an accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall not be rented or otherwise used as a separate dwelling.

Home Occupation. Any gainful occupation conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

Hospital. A building used by medical professionals licensed by the State for the diagnosis, treatment or other care of human ailments, unless otherwise specified, which shall include inpatient and outpatient care.

Hotel. A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in

contra-distinction to a boarding house, an apartment house or an apartment hotel, which are herein separately defined.

Kennel. Any lot or premises or portion thereof, on which dogs, cats, and other household domestic animals, are boarded for compensation or kept for sale, whether in special buildings, runways or not.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory building, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Area. The area of horizontal planes bounded by vertical planes containing the front, side, and rear lot lines.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets.

Lot Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot Frontage. The front of a lot shall be that boundary of a lot along a public street. For a corner lot, the owner may elect either street line as front lot line.

Lot Irregular. Any lot or parcel of land which is not square or rectangular in shape.

Lot of Record. An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width. The least distance between the side lot lines, measured at points midway between the front and rear lot lines. In the case of triangular lots, or lots that are bounded by more than four (4) straight lines, or that have curvilinear lines, the Zoning Administrator shall determine the lot width.

Manufactured Housing. Housing constructed with standardized units or dimensions in a factory, that meet all building code requirements.

Mobile Home. A manufactured unit, designed or intended for human habitation, which, after fabrication, can be transported on streets and highways on its own wheels, or on flat beds or trailers, and which is delivered substantially assembled and ready for human habitation except for utility connections and temporary or permanent foundations which may or may not be installed.

Mobile Home Park. A mobile home park shall mean any lot, parcel or land where mobile home spaces are rented or leased, or offered for rent or lease for two or more mobile homes.

Modular Home. Manufactured housing assembled in units on site.

Motel. A building or group of buildings in which lodging or board and lodging are provided and offered to the public for compensation and in which rooms are directly accessible from an outdoor area.

Nonconforming Lot. A lot of record existing at the date of the passage of this Ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Structure. A lawful structure which exists upon the adoption of amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, or its location on the lot.

Nonconforming Use. The use of any structure or land lawfully occupied and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption of this Ordinance or amendments thereto.

Nursing Home. A structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

Open Sales Lot. Any land used or occupied for the purpose of buying, storing and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft and monuments and for the storing of same.

Parking Area, Private. An open, hard-surfaced area other than a street or public way designed, arranged, and made available for the storage of private passenger automobiles and pick-up trucks, trailers, mobile homes or boats of occupants of buildings for which parking is developed and is accessory.

Parking Area, Public. An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1 1/2) ton capacity and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking Space. A hard-surfaced area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is unenclosed comprising an area at least nine (9) feet by twenty (20) feet for diagonal and perpendicular vehicle parking or at least nine (9) feet by twenty-two (22) feet for parallel vehicle parking. (See Section 1100)

Parking Space, Commercial and Industrial, Off-Street. A useable off-street area with independent access, at least nine (9) feet x eighteen (18) feet for diagonal and perpendicular vehicle parking or at least nine (9) feet x twenty-two (22) feet for parallel vehicle parking. "Accessible" parking spaces required under the Americans With Disabilities Act will be sixteen (16) ft by eighteen (18) feet.

Parking Space, Off-Street. A useable off-street area with independent access, not included within the established front yard setbacks, at least nine (9) feet by twenty (20) feet for diagonal and perpendicular vehicle parking or at least nine (9) feet by twenty-two (22) feet for parallel vehicular parking.

Parking Space, Residential. An open hard surfaced-area, other than a street or public-way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory. The parking area shall not be located in the setbacks established for the district in which it is located, except on an asphalt, brick or concrete driveway.

Planned Unit Development. A development occupying six (6) or more gross acres, including all land within the project boundaries plus all of the adjacent public rights-of-way, to be constructed by a single owner or group of owners actually jointly, located on a lot of record; involving a related group of residential uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

Plat. A map, plan or layout of a parcel or parcels of land, indicating the location and boundaries of individual properties.

Porch, Covered. A roofed structure, projecting out from the wall or walls of a main structure.

Principal Use. The main use of land or structure as distinguished from a subordinate or accessory use.

Public Utility. Any person, firm, corporation, or municipal department, duly authorized to furnish under public regulations to the public, electricity, gas, steam, telephone, communications, transportation or water.

Repair Shops. Establishments engaged in miscellaneous repair of household items and small business equipment for the general public and business.

Retain Trade. Establishments engaged primarily in selling merchandise for personal or household consumption and rendering service incidental to the sale of goods. Includes:

- A. General Merchandisers
- B. Hardware Stores
- C. Paint, Glass and Wallpaper Stores
- D. Food Stores
- E. Apparel Stores
- F. Home Furnishings and Equipment Stores
- G. Eating and Drinking Places
- H. Miscellaneous Retail

For purposes of enforcement of this chapter, Retail Trade excludes:

- A. Building Supply Stores
- B. Garden and Lawn Supply Stores
- C. Mobile Home Dealers
- D. Automotive Dealers and Service Stations

Services—Business. Establishments engaged primarily in rendering services to business establishments such as advertising agencies, mailing services, employment agencies, and computer software companies.

Services—Personal: Establishments engaged in providing services primarily to individuals and households, such as laundry, dry cleaning, copy shops, beauty shops.

Services—Professional. Establishments engaged in providing the general public and businesses with professional services in an office setting. Includes:

- A. Security and Commodity Brokers;
- B. Insurance Agents and Brokers;
- C. Real Estate Services;
- D. Holding and Other Investment Offices;
- E. Professional Health Services;
- F. Legal Services;
- G. Engineering, Accounting, Research, Management, and Related Services;
- H. Educational Services.

Sign. A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Site. A tract or parcel of land under single ownership or control which may or may not be a lot of record.

Street. All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to any public easement therefrom.

Structure. Anything which is constructed or erected with a fixed location on the ground or attached to something having fixed location on the ground. Among other things, structures include walls, buildings, fences, signs, mobile home, and swimming pools. The word “structure” includes the word “building.”

Subdivision. The division of a parcel of land into two (2) or more parcels, any of which resultant parcels is less than two (2) acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land..

Trailer Home or Mobile Home. A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing Village laws.

Travel Trailer, Dependent. A travel trailer, is defined herein, which is not equipped with self-contained kitchen, toilet, bath and shower facilities.

Travel Trailer, Independent. A travel trailer, is defined here, which is equipped with self-contained kitchen, toilet, bath and shower facilities.

Truck Parking Area or Yard. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed one and one-half (1½) tons in capacity.

Use, Manufacturing. Any building or lot used for making articles or products.

Warehouse-Self-Storage. Warehouses serving primarily the general public with separate access for each storage stall, one-story, less than 10,000 sq. ft. per building, total area less than 60,000 sq.ft.

Yard. An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the minimum horizontal distance between the lot lines and the main building shall be used.

Yard, Front. A yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. As used in this ordinance, the term "Front Yard" applies to all buildings only.

Yard, Side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

Yard or Setback. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance and which extends along a lot line and at right angles thereto a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard or Setback, Front. The yard extending along the full length of the front lot line between the side lot lines.

Yard or Setback, Rear. The yard extending along the full length of the rear lot line between the side lot lines.

Yard or Setback, Side. The yard extending along side lot line from the front yard to the rear yard.

Zoning Lot. A parcel of land with uniform zoning considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

Zoning Maps. The map or maps incorporated into this Ordinance as a part thereof, designating zoning districts.

Words herein not defined shall be interpreted in accordance with definitions contained in Webster's Dictionary.

(Ordinance 2011-1; 4/26/2011)

ARTICLE II

GENERAL PROVISIONS

Section

200 Basic Requirements for All Districts.

200.1 Zoning Schedule. The following Zoning Schedule prescribes the basic site, yard and bulk that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this Article.

200.2 Other Required Provisions. All uses either permitted or by Special Use Permit, as provided for by this Ordinance, shall provide for off-street parking and loading as prescribed in Article XI, and sign erection as prescribed in Article X.

Section

201 Site Area and Dimensions: Requirements and Exceptions.

201.1 Measurement. (See p. 22) Zoning Schedule

- A. Required yards shall be measured as the minimum horizontal distance from the interior line of the side or street line parallel thereto on the side; provided that where an official street right-of-way has been adopted by the Village Board of Trustees, site area and required yards shall be measured from the future right-of-way line, and no provision of this Ordinance shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.
- B. On a site which is not rectangular or approximately rectangular in shape, required yards shall be measured in the manner prescribed by the Zoning Board of Appeals.
- C. On a corridor access lot with an average width that exceeds its average depth, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.

201.2 Exemptions: Nonconforming Sites. A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this Ordinance or amendment thereto, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for any permitted use, but shall be subject to all other regulations for the district in which the site is located.

ZONING SCHEDULE: SITE AREA, YARD SPACE, BULK, COVERAGE

DISTRICTS	MINIMUM SIZE		MINIMUM YARDS			PRINCIPAL STRUCTURE			ACCESSORY STRUCTURES		
	W I L I M O D T E V E R E R I O R	D E P T H	F R O N T	R E A R	F E E D B A C K	M S C A T I O N I Z E D A R E A	M A X I M U M H E I G H T	S I T E L O C A T I O N	M A X I M U M H E I G H T	M I N I M U M H E I G H T	M I N I M U M H E I G H T
RR Rural Residential	125'	150'	1/2 R.O.W.	30'	10'	25%	35'	1 Acre	20'	10'	10'
R1 One-Family Residential	85'	120'	1/2 R.O.W.	30'	16'	50%	35'	9,000 sq ft	20'	10'	10'
R2 Two-Family Residential	85'	120'	1/2 R.O.W.	25'	10'	35%	35'	4,500 sq ft	20'	10'	10'
R4 Multi-Family Residential	85'	120'	1/2 R.O.W.	20'	10'	40%	35'	2,500 sq ft	20'	10'	10'
CR Commercial Retail	85'	120'	1/2 R.O.W.	10'	5'	100%	45'	80%	35'	10'	10'
CG Commercial General	85'	120'	1/2 R.O.W.	10'	5'	80%	45'	80%	35'	10'	10'
IL Light Industrial	120'	150'	A*	C*	2*	40%	50'	80%	35'	30'	30'
IH Heavy Industrial	120'	150'	A*	C*	2*	60%	50'	80%	50'	40'	40'

A* See Section 804 A
 B* See Section 804 B
 C* See Section 804 C

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Section

201.3 Site and Rear Yards: Requirements and Exceptions.

- A. On a reversed corner lot the minimum rear yard may be not less than the side yard prescribed in the Zoning Schedule, Section 200.1 provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.
- B. Where the side or rear lot line of the side of a use other than a residential use adjoins or is across a street from a Residential District, the minimum side or rear yard adjoining or opposite the Residential District shall be ten (10) feet greater than the minimum yard prescribed in the Zoning Schedule, Section 200.1.
- C. Architectural features including projecting balconies, sills and chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than thirty-six (36) inches and may extend into a required front yard or rear yard not more than four (4) feet, provided that no projection shall extend into a public utility easement..
- D. Open, unenclosed, uncovered balconies, landing, platforms, porches, stairways, terraces, and unenclosed, uncovered porches with floors not higher than eight (8) inches above the grade, may extend into a required yard or space between buildings by not more than four (4) feet, provided that pedestrian ways or walks at ground level shall not be reduced below three (3) feet in unobstructed width.
- E. Open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than three (3) feet, provided that no projection shall extend into a public utility easement.
- F. Fences, walls, and hedges not over six (6) feet in height; and walks, driveways, and retaining walls may occupy a required side or rear yard; and fences, walls, and hedges not over three and one-half (3 1/2) feet in height may occupy front yards.

201.4 Vision Clearance: Corner Lot. On a corner lot no fence, wall, hedge or other obstruction, except the natural grade of a site, within a triangular area formed by the street property lines and a line connecting points on the street property lines equal to one-half (1/2) the right-of-way width measured from the street intersection, shall exceed a height of two and one-half (2 1/2) feet above established grade at the edge of the existing or proposed pavement, provided that trees pruned up to eight (8) feet above street grade shall be permitted.

201.5 Width: Corner Lots. The minimum width of corner lots in a Residential District shall be ten (10) percent greater than the minimum width for the district given in the Zoning Schedule, Section 200.1, provided that no corner lot in a Residential District shall have a width of less than eighty (80) feet.

201.6 Depth Adjoining Freeway or Railroad. No site rearing on a freeway or railroad right-of-way shall have a depth of less than one-hundred and thirty (130) feet.

Section 202 Building Height Limits.

202.1 Measurement. The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable or gambrel roof.

202.2 Exceptions. Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10) percent of the ground area covered by the structure may be erected to a height of not more than one hundred (100) feet or not more than twenty-five (25) feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.

Section

203 Accessory Structures.203.1 Not Permitted in Required Front Yards, or Before Principal Structure is Erected.

- A. No accessory structure shall be located in a required front yard.
- B. No accessory structure shall be erected prior to the construction of the principal structure unless a Special Use Permit as per Article XIII is first obtained in each case.
- C. No accessory structure shall be located in an alley, waterway or easement unless a Variation as per Article XII is first obtained in each case. (Zone. Ord. 2005-7, 11-28-2005)

203.2 Exceptions to Yard Requirements. Accessory structures not exceeding the height limits prescribed in the Zoning Schedule, Section 200.1, may be located in the required side and rear yards provided:

- A. That aggregate area of all accessory structures shall not exceed nine hundred (900) square feet; no side longer than thirty-six (36) feet; further no such structure shall exceed 750 square feet unless there is first submitted and approved a blue print or scale drawing showing dimensions of the proposed structure and design plan consistent with all regulations for the zoning district in which the structure is proposed to be located.
- B. That on a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard of the adjoining key lot and not closer to the street than the required front yard of the adjoining key lot.

In no case shall an accessory structure be located closer to a side or rear lot line than the minimum distances prescribed in the Zoning Schedule, Section 200.1

Section

203.3 Secure Anchorage, Height and Building Permit and Placement Requirements.

Every accessory structure having an area of **two hundred (200)** square feet or larger shall require a building permit and shall be securely anchored to a foundation or to a concrete pad that is at least four (4) inches thick. Other methods of anchoring may be considered for approval by the **Winnebago County** building inspector.

All accessory buildings shall have a maximum wall height of ten (10) feet.

As to accessory structures having an area of less than **two hundred (<200)** square feet, it is the recommendation of the Village Board of Trustees that these accessory structures be securely anchored to the ground using building manufacturer supplied anchor kit or kits as recommended by the manufacturer of the structure.

Accessory structures of any size may require a **Winnebago County** Building Permit if the building is to be improved with electric, plumbing, heating, insulation or the like.

Every accessory structure of any size requires a **Zoning Inspection** for the proper placement of the structure. ([Zon.Ord.2011-4, 4-11-2011.](#)) ([Zon.Ord.2016-5, 9/26/16](#))

Section

203.4 Permit Required. No person shall construct or erect or cause to construct or erect any accessory structure having an area of **more than sixty-four (64 sq.ft.) square feet but less than two hundred (200 sq.ft.) without first obtaining** a permit from the Village of Durand. The cost of the accessory structure permit shall be **\$25.00** payable when the application for accessory structure permit is filed. ([Zon.Ord.2005-7, 11/28/2007.](#)) ([Zon.Ord. 2016-5, 9/26/2016](#))

Section

204 Annexed and Unzoned Territory. All territory which is annexed to the Village or which is unzoned or becomes unzoned through abandonment of a public street or railroad right-of-way shall be classified in the R-1 District. Within sixty (60) days of the Zoning Board of Appeals shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of the Zoning Ordinance prescribed in Section 100.

If the Zoning Board of Appeals finds that a change of district is required it shall initiate the change as prescribed in Article XIV. The owner of the annexed property or the authorized agent of the owner may file and application for a change in district as prescribed in Article XIV.

ARTICLE III

NONCONFORMING STRUCTURES AND USES

Section

300 Continuance of Use.

- A. Any lawfully established use of a structure or land, on the effective date of this Ordinance, or of amendments hereto, that does not conform to the use regulations for the districts in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Any structure for which a building permit has lawfully granted prior to the effective date of this Ordinance, or of amendments hereto, may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall thereafter be a lawfully established building.

Section

301 Discontinuance of Use.

- A. Whenever a part of a structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.
- B. Whenever a nonconforming use of a structure or part thereof has been discontinued, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use for a period of six (6) consecutive months, or in such cases where the owner has applied for and obtained an extension of time not to exceed six (6) additional months by the granting of a Special Use Permit as authorized by Article XIII, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- C. Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in nonconforming manner.
- D. A use not authorized by the provisions of the Village of Durand Zoning Ordinance in effect at the time this Ordinance becomes effective, shall be deemed a violation and not be re-established or expanded.

Section

302 Change of Conversion of Nonconforming Use. The nonconforming use of any structure or portion thereof, may not be occupied by another similar or less intense nonconforming use except by the granting of a Special Use Permit, as authorized by Article XIII.

Section

303 Termination and Removal of Nonconforming Uses and Structures In Residential Districts.

The period of time during which the following nonconforming uses of structures or land may continue or remain in Residential Districts shall be limited to two (2) years from the effective date of this Ordinance, or of any amendment hereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the two year period.

- A. Any nonconforming structure having an assessed valuation not in excess of two hundred and fifty dollars (\$250.00) on the effective date of this Ordinance.
- B. All nonconforming signs, billboards and outdoor advertising structures.
- C. Any nonconforming use where no enclosed structure is involved or where the only structure employed are accessory or incidental to such uses, or where such use is maintained in connection with a conforming structure.

Section

304 Repairs and Alterations.

- A. Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted including necessary nonstructural repairs and incidental alterations which do not exceed or intensify the nonconforming use of the life of the nonconforming structure.
- B. No structural alteration shall be made in a structure containing a nonconforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will actually result in eliminating the nonconforming use.
 - 3. When a building in a Residential District containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units of the structure.

Section

305 Damage and Destruction. If a nonconforming structure or an structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more if its replacement value at that time, the structure can be rebuilt or used thereafter only in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty (50) percent of its replacement value based upon prevailing costs, the structure may then be restored to its original condition and the structure and use thereof may then continue as before the partial destruction.

In either event, restoration or repair of the structure or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion. Failure to exercise the options herein provided within the time specified shall be considered a voluntary abandonment and structure or structures may be rebuilt and used thereafter only for a nonconforming use and in compliance with the provisions of the district in which it is located.

Section
306

Additions and Enlargements.

- A. A conforming structure containing a nonconforming use may be enlarged or extended only if the entire structure is thereafter devoted to a conforming use.
- B. No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. No conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this Ordinance or to displace any conforming uses in the same structure or on the same parcel.
- D. A structure which is nonconforming with respect to yards, height, or any other elements of bulk regulated by this Ordinance shall not be altered or expanded in any manner which would increase the degree or extent of its conformity with respect to the bulk regulations for the district in which it is located.

ARTICLE IV

DETERMINATION AS TO USES NOT LISTED

Section

400 Purpose and Initiation. In order to ensure that the zoning ordinance will permit all similar uses in each district, the Village Board of Appeals upon its own initiative or upon written request shall determine whether a use not specifically listed as a permitted use or a special use in Residential or Commercial Districts shall be deemed a permitted use or special use in one or more districts on the basis of similarity to uses specifically listed.

Section

401 Application. Application for determination that a specific use should be included as a permitted use or a special use in Residential or Commercial Districts shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Zoning Board of Appeals to facilitate the determination.

Section

402 Investigation. The Zoning Board of Appeals shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Ordinance, and to make a determination of its classification.

Section

403 Determination. The determination of the Zoning Board of Appeals shall be rendered in writing to the applicant within sixty (60) days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion.

Section

404 Effective Date of Determination. Within five (5) days following the date of a decision of the Zoning Board of Appeals on a request for determination as to a use not listed, the Zoning Administrator shall transmit to the Village Board of Trustees written notice of the decision. A decision shall become effective ten (10) days following the date on which the determination was made or on the day following the next meeting of the Village Board of Trustees, whichever is later, unless an appeal has been taken to the Board of Trustees, or unless the Village Board of Trustees shall elect to review the decision of the Zoning Board of Appeals.

Section

405 Appeal to the Village Board of Trustees. Within then (10) days following the date of a decision of the Zoning Board of Appeals for a determination as to a use not listed, the decision may be appealed to the Village Board of Trustees by the applicant or by any other person. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Board of Appeals or wherein its decision is not supported by the evidence in the record.

Section

406 Determination by Village Board of Trustees. The determination of the Village Board of Trustees shall be rendered in writing within sixty (60) days of the appeal date unless the applicant consents to an extension of the time period and shall include findings supporting the conclusion.

ARTICLE V

HOME OCCUPATIONS

Section

500 Required Conditions. Home occupations in the Residential District shall comply with the following regulations:

- A. There shall be no stock-in-trade other than products manufactured on the premises unless otherwise approved by the Zoning Board of Appeals by Special Use Permit as provided for by Article XIII.
- B. A home occupation shall be conducted within a dwelling or in an accessory building not to exceed five hundred (500) feet in an area.
- C. There shall be no storage of supplies or equipment outside the building.
- D. There shall be no external alteration of the dwelling or accessory building in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a nameplate in accord with the provisions of Article X.
- E. *(Repealed: No other than a resident of the dwelling shall be employed in the conduct of a home occupation. Decision of Board of Trustees, 7/25/2011)*
- F. No motor power other than electrically operated motors shall be used in connection with a home occupation.
- G. No unreasonable odor, liquid, or solid waste shall be emitted.
- H. Not more than one truck or not more than one ton capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
- I. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount in the district.

ARTICLE VI

RESIDENTIAL DISTRICTS

Section

600 RR Rural Residential and R1 One-Family Residential.

600.1 Purpose. The RR Rural Residential and R1 One-Family Residential Districts are included in the Zoning Ordinances to achieve the following purposes:

- A. To reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health and safety.
- B. To ensure adequate light, air, privacy and open space for each dwelling.
- C. To protect one-family dwellings from the congestion and lack of privacy associated with multi-family dwellings.
- D. To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment.
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- F. To provide necessary space for off-street parking of automobiles and where appropriate, for off-street loading of trucks.
- G. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.
- H. To protect residential properties from fire, explosion, noxious fumes and other hazards.

600.2 Required Conditions.

- A. All uses shall comply with the regulations prescribed in Article II, General Provisions.
- B. No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.

600.3 Permitted Uses. The following uses shall be permitted in the respective districts.

- A. RR Rural Residential District.
 - 1. One-family dwelling.
 - 2. Home occupations in accord with the regulations prescribed in Article V.
 - 3. The accessory structure located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms and hobby areas with an enclosed structure. The accessory structure shall not exceed more than fifty (50) percent of the floor area of the principal

use.

4. Swimming pools used solely by person residing on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than ten (10) feet from a property line.
 5. Raising of fruit and trees, vegetables and horticultural specialties.
- B. R1 One-Family Residential District. Any uses permitted in the RR Rural Residential District.

Section

600.4 Special Uses. The following special uses may be permitted in the RR Rural Residential and R1 One-Family Residential Districts upon the granting of a Special Use Permit, in accord with the provisions of Article XIII.

- A. Cemeteries, including crematories and mausoleums.
- B. Churches, convents, monasteries, parish homes, parsonages and other religious institutions.
- C. Educational institutions.
- D. Golf courses, public parks and playground and public swimming pools.
- E. Hospitals, sanitariums and nursing homes but not including hospitals, sanitariums or nursing homes for mental, drug addict or liquor addict cases.
- F. Mobile Home Parks as per Article IX (RR Rural Residential District only.)
- G. Private recreational area, when not operated for profit.
- H. Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare.
- I. Accessory structures and uses located on the same site as a special use.

Section

601 R2 Two-Family and RM - Multiple-Family Residential Districts.

601.1 Purposes. The R2 Two-Family Residential and the RM Multiple Family Districts are included in the Zoning Ordinance to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety.
- B. To preserve as many of the desirable characteristics of the single-family residential districts, but still allowing to permit higher population densities.
- C. To ensure adequate light, air, privacy and open space for each dwelling unit.
- D. To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment.

- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
- F. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks.
- G. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.
- H. To protect residential properties from fire, explosion, noxious fumes and other hazards.

601.2 Required Conditions.

- A. All uses shall comply with the regulations prescribed in Article II, General Provisions.
- B. No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.

601.3 Permitted Uses. The following uses shall be permitted in the respective districts.

A. R2 Two-Family Residential District.

- 1. Any use permitted in the RR Rural Residential District as prescribed in Section 600.3.
- 2. Two-family dwelling units.

B. RM Multi-Family Residential District.

- 1. Any use permitted in the RR Rural Residential District as prescribed in Section 601.3A.
- 2. Two-family dwelling units.
- 3. Multi-family dwelling units.
- 4. Nursing homes.

601.4 Special Uses. The following special uses may be permitted in the R2 Two-Family Residential and RM Multi-Family Districts upon the granting of a Special Use Permit in accordance with the provisions of Article XIII.

- A. Lodging houses in which not more than fifteen (15) paying guests may be lodged or boarded.
- B. Cemeteries, including crematories and mausoleums.
- C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- D. Club or lodge, private.
- E. Educational institutions.

- F. Golf courses, public parks and playgrounds, and public swimming pools.
- G. Hospitals and sanitariums but not including hospitals and sanitariums for mental, drug addict or liquor addict cases.
- H. Private recreation areas when not operated for profit.
- I. Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks, found by the Village Board of Trustees to be necessary for the public health, safety and welfare.
- J. Accessory structures and uses located on the same site as a special use.
- K. Heli-pads.

ARTICLE VII

COMMERCIAL DISTRICTS

Section

700 Purposes. The Commercial Districts are included in the zoning ordinance to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses, offering commodities and services required by residents of the Village and its surrounding market area.
- B. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other.
- C. To provide space to community facilities and institutions that may be located in commercial areas.
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas.
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses.
- G. To protect commercial properties from fire, explosion, noxious fumes, and other hazards.

700.1 Special Purposes of CR Commercial District.

- A. To encourage consolidation and maximize the efficiency of the Village's most intensively developed retail district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area.
- B. To foster use of vacant buildings by permitting certain light industries as special uses.

700.2 Special Purposes of CG Commercial District.

- A. To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the CR Commercial District.
- B. To permit additional development in mixed commercial areas containing both retail sales and commercial services.
- C. To foster use of vacant buildings by permitting certain light industries as special uses.

Section

701 Required Conditions.

- A. All uses shall comply with the regulations prescribed in Article II, General Provisions.
- B. In a CR District, all businesses, services and processes shall be conducted entirely within a

completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold or manufactured on the premises, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sale lots, bus depots and utility substations and equipment installations.

- C. No use shall be permitted, and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion.

Section

702 Permitted Uses. The following uses shall be permitted in the specified districts:

702.1 CR Commercial Districts. Unless otherwise provided in the Ordinance, no building or land may be used and no building may be erected, converted, or enlarged or structurally altered, in the CR District except for one or more of the following uses:

- A. Retail stores, offices and service establishments including only:

- Ambulance service
- Arts and craft schools
- Art galleries and stores selling objects of art
- Bakeries, including baking for sale on premises only
- Banks and savings and loan offices
- Barber shops and beauty parlors
- Billiard parlors, pool rooms and bowling alleys
 - Bicycle shops
- Blueprint and photostat shops
- Book stores and rental libraries
- Candy stores
- Christmas tree sale lots
- Cigar stores
- Cleaning and laundry agencies
- Clinics, medical
- Clothing stores
- Clothing and costume rental establishments
- Club or lodge, private
- Department stores
- Drug stores
- Electrical appliance sales and repair stores, provided that repair services shall be incidental to retail sales
- Finance, insurance and real estate services
- Florists
- Food lockers
 - Food stores, delicatessens, and supermarkets
 - Funeral home
- Furniture stores
- Garden shops
- Gift shops
- Hardware stores
- Hobby shops
- Household appliance stores

- Interior decorating shops
- Jewelry stores, sales and repair
- Leather goods and luggage stores
- Locksmiths
- Millinery shops
- Motels and hotels
- Music stores and instrument repair shops
- Newsstands
- Nursery school
- Nurseries and garden supply stores, provided that all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building and that fertilizer of any type shall be stored and sold in packaged form only.
- Office and business machine stores
 - Offices, including professional, business and medical
- Optician and optometrist shops
- Package liquor stores
- Photography studio and supply stores
- Post offices
- Private schools, such as business, driving or correspondence schools
- Radio and television repair shops
- Restaurants
- Self-service laundries and self-service dry-cleaning establishments
- Shoe stores, sales and repair
- Sporting good stores
- Stamp and coin stores
- Tailor and dressmaking shops
- Taverns
- Theaters
- Travel agencies
- Variety stores
- Wholesale establishments without stock and trade on premises

- B. Any other use which is determined by the Village Board of Trustees as provided in Article IV to be similar to the uses listed in Section 702.1.
- C. Parking lots improved in conformity with the standards prescribed for required parking facilities in Article XI.
- D. Public utility, public facility and public services, pumping stations, power stations, equipment building and installation, drainageways and structures, water storage tanks.
- E. Accessory structures and uses, not including warehouses, on the same site as a permitted use.
- F. A dwelling unit incidental to and on the same site with a permitted use, subject to the site area regulation of the RM District as indicated in Section 200.1.

702.2 CG Commercial District. Unless otherwise provided in the Ordinance, no building or land may be used, and no building may be erected, converted, or enlarged or structurally altered, in the CG Commercial District except for one of the following uses:

- A. Service establishments including only:

Ambulance service

Automobile service station
 Automobile repairing, overhauling, rebuilding, and painting
 Automobile sales, service and supply stores
 Automobile upholstery
 Automobile washing including the use of mechanical conveyors, blowers, and steam cleaning
 Bakeries
 Boat sales and service
 Book binding
 Bottling works
 Cabinet shops
 Carpenters' shops
 Carpet and rug cleaning and dyeing
 Catering shops
 Cleaning and dyeing
 Cold storage plants
 Dairy product plants
 Electrical repair shops
 Establishments where liquor is served: restaurants, taverns
 Exterminators
 Glass shops
 Golf driving ranges
 Gun smith shops
 Heating and ventilating shops
 Household and office equipment and machinery repair shops
 Laundries, commercial dry cleaning
 Linen supply services
 Meeting halls
 Motorcycle sales and service
 Nurseries and garden supply stores
 Open sales lot
 Parcel delivery services
 Pet stores
 Photographic developing and printing
 Plumbing shops, show rooms
 Printing, lithographing and engraving
 Radio and television broadcasting studios
 Railroad stations
 Restaurants, including drive-in restaurants
 Service stations
 Sheet metal shops
 Storage building for household goods
 Storage of fuel or flammable liquids
 Taxidermists
 Telephone exchanges
 Tire sales, retreading and recapping
 Mobile home sales and service
 Vending machine service
 Veterinarians' offices and small animal hospitals
 Warehouses, except for the storage of fuel or flammable liquids
 Wholesales establishments

B. Any other uses which are determined by the Village Board of Trustees as provided in Article IV to be similar to the uses listed in Section 702.2A.

- C. A dwelling unit incidental to and on the same site with a permitted use, subject to the regulations for the RM District.
- D. Public utility, public facility and public services, pumping stations, power stations, equipment building and installations, drainageways and structures, water storage tanks.
- E. Accessory structures and uses located on the same site as a permitted use.

Section

703 Special Uses. The following special uses may be permitted upon the granting of a Special Use Permit, in accord with the provisions of Article XIII.

703.1 CR Commercial District.

- A. Light Industrial uses permitted in IL Industrial District, provided that no motor power other than electrically operated motors shall be used.
- B. Charitable institutions.
- C. Churches, parsonages, parish houses, monasteries, convents, and other religious institutions.
- D. Hospitals, sanitariums and nursing homes.
- E. Private museums.
- F. Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare.
- G. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Article XI.
- H. Service stations, including light automotive repair services, provided that all operations except the sale of gasoline and oil and the washing of cars shall be conducted within a building enclosed on at least three (3) sides.
- I. Accessory structures and uses located on the same site as a special use.

703.2 CG Commercial District.

- A. Auction sales rooms.
- B. Building material yards other than gravel, rock or cement yards.
- C. Contractors equipment rental yards.
- D. Contractors storage yards.
- E. Lumber yards not including planing and saw mills.
- F. Stone and monument yards.

- G. Secondhand sales conducted entirely inside a building.
- H. Welding shops.
- I. Light industrial uses permitted in Section 802.1, IL Industrial District, provided that all of the conditions prescribed by Section 701 are met.
- J. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Article XI.
- K. Accessory structures and uses located on the same site as a special use.

ARTICLE VIII

INDUSTRIAL DISTRICTS

Section

800 Purposes. In addition to the objectives prescribed in Section 100, the Industrial Districts are included in the Zoning Ordinance to achieve the following purposes:

- A. To reserve appropriately located areas for industrial plants and related activities.
- B. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses.
- C. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses.
- D. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other.
- E. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping.
- F. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts.
- G. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

800.1 Special Purpose of IL Light Industrial. The IL District is intended to accommodate light manufacturing, wholesales and research establishments. The IL District may be located in various areas throughout the community and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby businesses or industrial districts, it may also be formed as an adjunct to these established districts.

800.2 Special Purpose of the IH Heavy Industrial District. The purpose of the IH District is to accommodate those heavier industrial uses which have objectionable influences, but which, nevertheless, should be provided for somewhere in the community. The IH District is, insofar as possible, applied to locations removed from the Residential Districts on the basis of linear distance or natural or man-made features.

Section

801 Required Conditions.

- A. All uses shall comply with the regulations prescribed in Article II, General Provisions.
- B. In the IL Light Industrial District, all production, processing, servicing, testing, repair or storage of materials, goods or products shall take place within completely enclosed buildings.

- C. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Village Board to be objectionable to persons or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or to involve any hazard of fire or explosion.

Section

802 Permitted Use. The following uses shall be permitted.

802.1 IL Light Industrial District. Unless otherwise provided in the Ordinance, no building or land may be used, and no building may be erected, converted, or enlarged or structurally altered in the IL District except for one or more of the following uses:

- A. Any production, processing, servicing, testing, repair, or storage of materials, goods, or products but not including any of the uses listed as permitted in the IH District.
- B. Wholesaling and warehousing; local cartage and express facilities (but not including motor freight terminals).
- C. Public and Community Service Uses - as follows:

Bus terminals, bus garages, and bus lots
 Electric sub-stations
 Fire stations
 Municipal or privately - owned recreation buildings or community centers
 Parks and recreation areas
 Police stations
 Radio and television towers
 Telephone exchanges
 Water filtration plants
 Water pumping plants
 Water reservoirs

- D. Temporary buildings for construction purposes - for a period not to exceed the duration of such construction.
- E. Accessory uses, including off-street parking and loading as permitted or required in Article XI.

802.2 IH Heavy Industrial District. Unless otherwise provided in this Ordinance, no building or land may be used and no building may be erected, converted, enlarged, or structurally altered, in the IH District except for one or more of the following uses:

- A. Any uses listed as use in the IL District.
- B. Production, processing, cleaning, servicing, testing, and repair; including the following uses and manufacturing of the following products:

Asphalt and asphalt products
 Chemical - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials, and synthetic rosins,

pyroxylin, rayon yarn, hydrochloric, picric, and sulphuric acids, and derivatives.
 Coal, coke and tar products, including gas manufacturing
 Electric central station, power and steam-generating plants
 Fertilizers
 Film Photographic
 Flour, feed and grain - milling and processing
 Gelatin, glue and size - animal
 Incineration or reduction of garbage, offal, and dead animals
 Linoleum and oil cloth
 Magnesium foundries
 Metal and metal ores (except precious and rare metals) - reduction, refining, smelting, and alloying
 Paint, lacquer, shellac, varnishes, linseed oil and turpentine
 Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquified petroleum gases
 Ready-mix cement plants
 Rubber (natural or synthetic)
 Soaps, including fat and oil rendering
 Starch
 Stockyards, slaughter houses, and abattoirs
 Wood, coal, and bones distillation
 Wood pulp and fiber, reduction and processing, including paper mill operations

Section

803 Special Uses. The following special uses may be permitted upon the granting of a Special Use Permit in accord with the provisions of Article XIII.

803.1 IL Light Industrial District.

- A. Any use which may be allowed as a permitted use of special use in the CG Commercial General District.
- B. Airport or aircraft landing fields.
- C. Stadiums, auditoriums, and arenas.
- D. Theaters, outdoor drive-in.

803.2 IH Heavy Industrial District.

- A. Any use which may be allowed as a special use in the IL District.
- B. Explosive, processing and production.
- C. Fertilizer, processing and production.
- D. Junk yards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve (12) feet high.
- E. Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.
- F. Railroad roundhouses, maintenance buildings, and switching yards.

- G. Sanitary landfill.
- H. Sewage treatment plant.

Section

804 Setback and Yard Requirements. No building or structure shall hereafter be erected or structurally altered in the IL, or IH District unless the following setbacks are provided and maintained in connection with such buildings.

- A. Front. A front yard equal to at least one-half (1/2) the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than thirty (30) feet nor require more than sixty (60) feet.
- B. Side. A side yard on each side of the zoning lot of not less than ten (10) feet, except where a side yards adjoins a street, the minimum width shall be increased to equal one-half (1/2) the right-of-way of the adjoining street with the minimum of thirty (30) feet but not require more than sixty (60) feet.
- C. Rear. On a zoning lot abutting a Residential District, there shall be a required rear yard at least twenty-five (25) feet in depth.

ARTICLE IX

MOBILE HOME PARKS

Section

900 Intent and Purpose.

- A. To provide regulations and standards for the development of a safe, healthy and well designed community for permanent mobile home living.
- B. To provide in appropriately located areas within specific Zoning Districts, sites for mobile home living developed at reasonable density consistent with sound standards of public health and safety.
- C. To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
- D. To insure adequate light, air, access and open space for each mobile home living unit.
- E. To regulate the mobile home park such that it will complement the land use policy of the zoning district.

Section

901 Occupancy. No mobile home shall be occupied or used for living or sleeping purposes unless it is located in a mobile home park, provided that a mobile home may be used as an office for a construction project, circus, or carnival and provided that one mobile home may be used for the temporary residence of a watchman on a site of construction project and mobile homes may be used as temporary residences for circus or carnival personnel when recommended by the Zoning Board of Appeals by a Special Use Permit as provided for by Article XIII.

Section

902 Preapplication Requirements. A mobile home park may be permitted in the RR Rural Residential District subject to obtaining a Special Use Permit in accordance with the provisions of Article XIII and additional provisions of this Article.

- A. Prior to filing for a Special Use Permit all mobile home parks shall be reviewed by the Planning Commission to determine if they are being located and designed consistent with the provisions of this Article.
- B. The Planning Commission may recommend variations to the design requirements in the interest of achieving good design and better environmental living conditions for the residents of the mobile home park. In such cases, the Planning Commission shall submit a written finding of fact to the Zoning Board of Appeals in the same manner that the Zoning Board of Appeals is required to make a finding of facts for variation in Article XII, Section 1204.

Section

903 Required Conditions.

- A. A mobile home park may be permitted by a Special Use Permit in the RR Rural Residential District subject to the regulations as prescribed in Article II, General Provisions and as further provided in this section.

- B. Mobile home parks may be permitted in RR Rural Residential District on parcel or lots of record of not less than three hundred thousand (300,000) square feet of area.
- C. In addition to regulations A and B, all mobile parks shall be developed in accordance with design standards set forth in this Article.

Section

904 Design and Performance Standards.

- A. There shall be a maximum of five (5) mobile homes per gross acre.
- B. There shall be a minimum of six thousand (6000) square feet of site area per mobile home.
- C. A mobile home park shall provide indoor and outdoor community use facilities and recreational open space of which not less than five thousand (5000) square feet in area for each ten (10) acres or portion thereof shall be developed for recreational use. The aggregate community use facilities and open space shall not be less than two hundred (200) square feet for each mobile home space.
- D. Not more than one dwelling unit shall be located in a mobile home park.
- E. No mobile home or dwelling unit shall be located:
 - 1. In a required front yard, equal to at least one-half (1/2) the right -of-way of the street on which the lot fronts. However, in no case shall the front yard be less than thirty (30) feet nor required more than sixty (60) feet.
 - 2. Less than twenty-five (25) feet from the side and rear property lines of the mobile home parks.
- F. Only one (1) mobile home may be located on a mobile home site as designated in the mobile home park and subject to the following yards and setbacks:
 - 1. Front and rear yards a minimum of ten (10) feet.
 - 2. Side yards a minimum of ten (10) feet.
 - 3. Minimum distance of twenty (20) feet between mobile homes and/or permitted structures.
- G. No accessory structure other than a temporary sun or wind shelter or carport shall be erected for the use of occupants of an individual mobile home.
- H. A minimum of two (2) improved off-street parking space shall be provided for each mobile home site.
- I. All street design and development shall be in compliance with the Subdivision Regulations, Village of Durand.
- J. All utilities including television service shall be underground.
- K. A designated trailer and boat storage area shall be provided with an aggregate area of fifty (50) square feet for each mobile home site.

L. Fencing and Landscaping.

1. Adequate landscaping shall be provided including trees and shrubs around the perimeter of the mobile home park.
2. Additional fencing and landscaping including perimeter fencing along interior, side and rear lot lines may be recommended by the Zoning Board of Appeals as part of the Special Use Permit for a Mobile Home Park.

ARTICLE IX - B

PLANNED UNIT DEVELOPMENT

Section
950

PLANNED UNIT DEVELOPMENT (ORD 2001-5, 5/29/01)

Residential planned unit developments may be permitted in the RR, R1, R2, and RM Residential Districts by a special use permit in accordance with the provisions of this article.

(1) General Purpose. The residential planned unit development special use permit is developed in order to:

- (a) Encourage unique design and site planning of land areas through the use of criteria which, when properly implemented allows for certain flexibility and density bonuses.
- (b) Permit and foster condominium developments in accordance with the provision of the "Condominium Property Act," effective June, 1993, as amended, State of Illinois.
- (c) Provide an administrative procedure and standards to facilitate and utilize imaginative design and subdivision technology which may necessitate variation to traditional yards, setbacks, lot shapes and sizes.

(2) Permitted Uses Unless otherwise provided in this Ordinance, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in a residential planned unit development except for permitted uses listed in the district in which the residential planned unit development is applied for.

(3) Applicant. The applicant for a residential planned unit development special use permit shall be the owner of the site, or if more than one, all owners of the site acting jointly.

For the purposes of this section, "owner" shall mean and include any public body corporate, a holder of a written option to purchase or a redeveloper under contract with the local public agency for urban renewal.

(4) Pre-application conference. Prior to applying for a residential planned unit development special use permit the applicant is required to confer with the Village Plat Officer/Planner, and Village Engineer. A conference shall be scheduled by the Village Plat Officer/Planner within thirty (30) days after receipt of the following information and data, displayed to scale on maps:

- (a) The boundaries of the property;
- (b) Existing easements and covenants affecting the property;
- (c) Land characteristics, such as natural drainage, swamp areas, wooded areas and topography at two (2) foot contours;
- (d) Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities; and
- (e) The proposed lay out including the road and street system and the location and extent of the various type of residential uses, acreage and density. Other characteristics of the proposal such as parks, playgrounds and other community facilities.

(5) Review and recommendation. Following the pre-application conference, the Zoning Board of

Appeals shall review the proposed residential planned unit development to determine its conformity with land development trends in the community; standards of the official comprehensive plan, and recognized principles of design, land use planning and landscape architecture. The review will be communicated to the applicant within fifteen (15) days from the date of the pre-application conference.

(6) Filing procedure. After being informed of the report, the applicant may file for a residential planned unit development special use permit. All procedural rules in regard to the filing of a residential planned unit development special use permit shall be the same as in the case of a regular petition for special use permit, excepting where the same are in conflict with the terms of this section.

(7) Application for a residential planned unit development special use permit. An application for a residential planned unit development special use permit shall be filed with the Zoning Board of Appeals on a form prescribed by the Board and provided for that purpose. The application shall consist of:

(a) Overall development plans showing:

1. All information and data required by Article VIII of the Village of Durand Municipal Code (Subdivision Regulations) for tentative plats.
2. Kind, location, bulk and capacity of proposed structures and uses.
3. Proposed finished topography.
4. Engineering and improvement plans.
5. Provisions for automobile parking and loading.
6. Provisions for sidewalks and bikeways.
7. Twelve copies of each of the required plans.

(b) Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for service, maintenance and continued protection of the residential planned unit development and adjoining territory.

(c) Fee.

Zoning lot of not less than one (1) acre nor more than five (5) acres in area....\$300.00

(Plus \$25.00 for each acre or part thereof in excess of five (5) acres, with a total maximum of \$600.00.)

The application shall include such other pertinent information as the Plats Officer/Planner, Village Engineer or Zoning Board of Appeals shall prescribe; but, to promote efficiency and minimize expense, the Plats Officer/Planner, Village Engineer or Zoning Board of Appeals may provide for the serial submission of portions of the application.

(8) Zoning Board of Review. The Zoning Board of Appeals shall review the overall design of the proposed residential planned unit development as it relates to the natural and man-made features in the immediate surrounding area.

The Zoning Board of Appeals may recommend an award of a maximum of twenty (20%) percent

density bonus of the zoning district for excellence in design treatment of a proposed planned unit development in accord with the below listed environmental incentives.

(9) Environmental incentives. The number of permitted dwelling units may be increased up to twenty (20%) percent as indicated below; provided, that the percentages for each item may be applied cumulatively to a total of at least twenty (20%) percent.

(a) OPEN SPACE.

12% Usable open space provided it equals twenty-five (25%) percent of site area which is (private or public) not covered by buildings, parking and streets.

6% Dedication of public park site according to the official map, and the site may be considered part of the net site area for determining dwelling units.

6% Dedication of public school site according to the official map, and the site may be considered part of the net site area for determining dwelling units.

(b) SITE PLANNING DESIGN.

2% Excellence in use of existing topography and/or land recontouring.

4% Excellence in siting buildings and building groupings which may include variations in building setbacks.

2% Provision in design for useable courtyards, gardens and patios.

1% Proper consideration of sun and wind orientation.

1% Right-of-way provisions for riding, hiking and bicycling.

(c) LANDSCAPE PLANTING AND SCREENING.

1% Provision of landscaped buffer strip at least ten (10) feet wide on all peripheral lot lines with a less restricted use.

(d) FACILITIES AND AMENITIES.

5% Recreational facilities which may or may not include a golf course and occupying one (1) square foot for every five (5) square feet of residential floor area.

5% Swimming pool (five (5%) percent for each pool; not to exceed ten (10%) percent.)

3% Tennis courts (one (1%) percent for each court) and playground recreation equipment.

5% Community center and/or club.

2% Land area for public building site such as fire station.

3% Man-made lakes and water features.

1% Provisions for pedestrian leisure facilities, such as plazas, bicycle racks,

interior sidewalks, benches, etc.

(e) TRAFFIC AND PARKING.

10% Provision of fifty (50%) percent of required parking in an underground structure.

Additional detailed plans of site improvements and proposed documents to provide security for the installation and maintenance of utilities and community facilities and open spaces may be requested from time to time to facilitate the review of the proposed planned unit development. The Zoning Board of Appeals may recommend reasonable conditions regarding the layout, circulation and performance of the proposed development. The Zoning Board of Appeals may approve variation in the zoning and subdivision standards in residential planned unit developments which may permit private streets for unique developments that may utilize condominium development techniques, cluster housing concepts and other imaginative and unique development methods when consistent with the purpose of this section.

(10) Public hearing. Upon receipt in proper form of the application referred to above, the Zoning Board of Appeals within sixty (60) days, unless the time period is extended by joint approval of the applicant and Zoning Board, shall hold at least one public hearing on the proposed residential planned unit development special use permit at such time and place as shall be established by the Board of Appeals. Notice of the hearing shall be given in accordance with state statute. The Village Board may by ordinance, require an applicant to assume the cost of the administration, public notice and due notice to interested parties.

(11) Findings of fact and recommendation of Zoning Board of Appeals. Within sixty (60) days after the closed of the public hearing on the proposed residential planned unit development special use permit, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Village Board. For the Zoning Board of Appeals to make an affirmative recommendation, it must find in each of the following instances that:

(a) The establishment of a residential planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) The residential planned unit development will not be injurious to the used and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(c) The residential planned unit development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

(d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.

(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(12) Authorization. A residential planned unit development special use permit shall be authorized by a Village Board ordinance after a public hearing and recommendation from the Zoning Board of Appeals. Such ordinance shall specify the maximum density (dwelling units per net acre), coverage and height for the residential planned unit development and may include such other conditions and/or restrictions upon the location, design and construction as shall be deemed necessary to secure the general objectives of this chapter.

(13) Effect of denial. No application for a residential planned unit development special use permit which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

(14) Recorded plat required. A plat of the subdivision shall be recorded. Such plat will show building lines, common land, streets, easements and other applicable features required by Article IX of the Village Municipal Code (Subdivision Regulations) for final plats. All applicable procedures, standards and requirements of Article IX of the Village Municipal Code shall be followed except those in conflict with this section. No building permits or occupancy permits shall be issued until after final approval of the residential planned unit development special use permit and recording of the subdivision plat is finally approved by the Village Board.

(15) Guarantee of completion. Before final approval of a residential planned unit development special use permit, the Zoning Board of Appeals on its own initiative may recommend and the Village Board may require a contract with safeguards satisfactory to the Village Attorney guaranteeing completion of the residential planned unit development in a period specified by the Zoning Board of Appeals unless extended by the Village Board.

(16) Revocation. In any case when construction of a residential planned unit development has not commenced within one year after the date of approval, the Zoning Board of Appeals shall review such residential planned unit development and recommend to the Village Board whether or not the residential planned unit development special use permit should be revoked or continued.

ARTICLE X

SIGNS

Section

1000.1 Purpose.

The sign regulations are established in the zoning ordinance in order to protect and promote the public health, safety, convenience, comfort, morals, property and welfare of the public in the Village of Durand. In order to achieve this purpose, it is necessary to regulate the location, size and illumination of signs.

It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and to provide more open space.

Section

1000.2 Applicability.

Regulations Apply to all Districts. The requirements of this section apply to all signs in all districts, unless specifically exempted or excluded.

Existing Signs – Continuance. Nothing in this chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended or relocated and the same shall be deemed a lawful nonconforming use under the terms of this chapter. The changing of movable parts of signs which are designed for changes or the repainting of display matter shall not be deemed to be alterations within the meaning of this Article.

Section

1001.1 General Provisions.

Signs shall be classified in accordance with the regulations under each Zoning District as set forth in this Article.

- A. No sign permitted under the regulations of this Article shall be installed or altered without first obtaining a permit from the Zoning Administrator.
- B. Combination signs (multiple signs on a single structure) are permitted, subject to all regulations herein.
- C. No sign shall be placed in any public right-of-way except as otherwise allowed by this Ordinance.
- D. Identification Marquee or Canopy Signs.

In those Districts where limitations are imposed by this Ordinance on the projection of signs from the face of any buildings or structures, such limitations shall not apply to identification marquee or canopy signs indicating only the name of the building or the principal project or service available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the surface thereof or suspended within and below the outer marquee or canopy limits except that no such suspended sign shall be lower than ten (10) feet above the ground or surface over which the marquee or canopy is constructed. Further, no other sign shall extend beyond the limits of said

marquee or canopy.

E. Signs on Awnings.

Signs on awnings shall be exempt from the limitations imposed by this Ordinance on the projection signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof, and shall be non-illuminated and shall indicate only the name, address, and/or the type of business of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning.

F. Location of Advertising Sign Structures.

Within three hundred (300) feet of any freeway, expressway or tollway designated as such by Winnebago County or State of Illinois, no freestanding advertising sign structure designed to be viewed from such road shall be permitted to be erected within one thousand (1000) feet of any other such sign structure on the same side of the road, unless separated by a building or other obstruction that prohibits the motorist's view in his direction of travel. No advertising sign shall be permitted to be erected within three hundred (300) feet of any public park of more than five (5) acres.

- G. No advertising sign structure shall be permitted to be erected within one hundred fifty (150) feet of any adjoining Residential District boundary line, if such sign would be visible from such district.

H. Location of Signs.

No sign shall be painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any Residential District.

- I. All signs shall be erected within the property lines of the premises upon which they are located, except that signs attached to building facades in Commercial and Industrial Districts, may project up to one (1) foot from the edge of the road, and no projecting sign, marquee or canopy extended over the public way shall be less than ten (10) feet above grade.

- J. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

No sign shall be located, or use any word, phrase, symbol, shape, form, or character, in such manner as to interfere with moving traffic.

- K. Signs and sign structure attached to the wall of any building shall not extend more than six (6) feet above the roof line.

- L. Individual directional signs designating entrance, exits, and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the Zoning Lot and do not exceed twelve (12) square feet.

Section

1001.2 Permitted Signs.

Except as otherwise specifically provided in this Ordinance, the following signs are permitted in any zoning district without a permit. Such signs shall not be used for the purpose of calculating the total allowable signs or sign area for a zoning lot, but shall comply with all other regulations of this Ordinance.

The following shall not be subject to the provisions of this Ordinance:

- A. Signs of duly constituted governmental body: including traffic, similar regulatory devices, legal notice or warnings at railroad crossings.
- B. Flags or emblems of political, civic, charitable, educational or religious organizations.
- C. Temporary Signs.
 - 1. Temporary signs of non-profit organizations pertaining to events of public interest such as drives, fairs, or events of civic or educational events; however, any such sign shall not exceed 50 square feet in sign area and all banners shall not exceed 100 square feet. Such signs shall not be erected more than fifteen (15) days before the event and shall be removed immediately after the event. Also, temporary directional signs, not more than four square feet in sign area, showing only a directional arrow and the name of the event may be erected off the site of the event. Such signs shall not be erected more than seven days before the event, shall be removed within 24 hours after the event, and shall not be placed in the public right-of-way.
 - 2. Temporary signs denoting architect, engineer, or contractor when placed on construction sites and not exceeding sixty-four (64) square feet in area.
- D. Memorial Signs.

Memorial signs or tablets, containing names of buildings and date of erection, which are cut into a masonry surface, or when constructed of bronze or other non-combustible material inlaid so as to be part of a building, provided that such signs do not exceed four square feet in sign area.
- E. Signs required to be maintained by law of governmental order, rule or regulation.
- F. Small signs, displayed for the direction or convenience of the public, including signs which identify restrooms, freight entrances, or the like, with a total surface not exceeding five (5) square feet per sign on any Zoning Lot.
- G. Real Estate for Sale and For Rent Signs.

Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed 32 square feet in area, except in the R-1 and R2 Districts where the area of the sign shall not be more than six (6) square feet.
- H. Real Estate Open House Signs.

Signs advertising a residential "Open House" which shall be displayed no more than 48 hours in any seven day period.

I. Home Occupation Signs.

Home occupation businesses shall be permitted only one (1) sign per zoning lot not to exceed six (6) square feet. Such sign shall not be internally illuminated.

J. Indirectly and Internally Illuminated Signs.

Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device therefrom be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance as determined by the Zoning Board of Appeals. All signs shall be screened from beaming onto residential windows. Rotating or moving time and temperature signs shall not be restricted by this subsection.

K. Electronic Message Board.

Electronic message boards are allowed only in Commercial Districts as long as the sign is located so that it does not obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device, and so long as the sign does not produce a glare or light in violation of other parts of this Ordinance. Also, all electronic message boards shall not exceed 32 square feet in electronic message sign area per face, and the message cannot be changed in intervals less than three (3) seconds. Further, no electronic message board shall have more than two (2) faces on any one sign. Further, electronic message boards shall not face residential zoned property immediately adjacent or across from that sign.

L. Inflatable Signs and Advertising.

Inflatable signs, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, less in scale and less compatible with surrounding uses and graphics, of lesser quality and more difficult to uniformly regulate than permanent street graphics which are the preferred alternative. The exceptions shall be limited to the following:

1. Balloons and inflatable figures and displays used only in a parade.
2. Noncommercial registered hot air balloons in use and temporarily moored but not being used primarily as a street graphic.
3. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground, and other inflatable devices as follows:
 - (a) Holiday or other temporary noncommercial decorations and ornamental lighting on residential property, including inflatable devices temporarily displayed in a yard of a residentially zoned property which do not contain any commercial message or logo or depict any commercial symbol or character and which do not exceed

fifteen (15) feet in height.

4. Commercial Banners. No permanent sign or part thereof shall contain or consist of banners, strings of lights, pennants, ribbons, streamers, spinners, or other similar moving devices. The use of only one such device, not to exceed 32 square feet in size, at a time may be allowed as temporary signs, subject to approval by the Zoning Administrator. Such temporary devices shall not be exhibited more than for 30 days, and no more than three such temporary devices may be exhibited in any one calendar year.
5. To determine total square footage of any double-faced sign, when both faces are identical, only the square footage of one face shall apply toward the square footage calculation. A double-faced sign is one sign which has two faces, which faces are no more than 45 degrees apart from each other.

M. Political and Election Signs.

Political signs and election signs are permitted provided they do not have any electrical, mechanical, or audio auxiliary component, and are not attached to or placed on utility poles, trees, and traffic devices. Political signs and election signs are not permitted in any public right-of-way, unless the sign does not exceed 4 square feet and is placed at least 10 feet from the street pavement. Any property owner whose property is immediately adjacent to the public right-of-way where a political or election sign is placed may remove the sign, but may not dispose of the sign, but is only authorized to lay the sign down flat on the property where the sign was posted. No political signs shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting of campaign material shall remove such material within seven (7) days following election. Such signs shall not exceed 25 square feet, with no side being longer than five (5) feet, in any residential district and shall not be erected more than 25 days prior to the election in any zoning district.

N. Identification Signs, Name plates, and House Numbers.

Identification signs consisting solely of house numbers and name plates not exceeding two (2) square feet in sign area for each residential, commercial, or industrial building. All house numbers must be visible from the street. Professional name plates erected flat on walls of building and not exceeding two (2) square feet of display surface area.

O. Operational and Instructional Signs.

Operational or instructional signs not to exceed one and one-half square feet in sign area per sign.

P. Temporary Window Signs.

Temporary non-illuminated sale signs on the interior surface of a glass show window when a sale of goods or services is being conducted by a business establishment. Such signs shall not exceed 50 square feet in sign area. No promotional or sale signs shall be permitted to be affixed to the exterior of any window, wall or other exterior surface of the structure, and in no event shall such signs obstruct or interfere with any window area required for light or ventilation under any applicable law.

- Q. Vehicle Signs.
Vehicular signs on a motor vehicle operating in the normal course of business, which business is not primarily the display of signs.
- R. Warning Signs.
Warning signs placed in areas of danger which are accessible to the public, utility companies or others.
- S. Holiday.
Holiday decorations on private property.
- T. Gasoline Stations.
Signs, accessory to the principal use of a gasoline service station, relating prices or other information required by state or federal law. Such signage shall be included in the calculation of the total on premises signage area permitted.
- U. Changeable Signs.
Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes. This provision does not apply to billboards.
- V. Garage Sale Signs.
“Garage,” “yard,” or similar sale signs of less than four (4) square feet, which are posted for no more than seven (7) consecutive days.
- W. Seasonal Signs.
Signs advertising seasonal services are permitted for three (3) months and shall not exceed six (6) square feet.

Section

1001.3 Prohibited Signs and Devices.

Except as otherwise provided in this Article:

- A. No internally or indirectly illuminated sign shall be permitted within fifty (50) feet of any residentially zoned property unless the illumination of the sign is so designed that it does not shine directly onto any adjacent property or onto any street.
- B. Rooftop signs shall be allowed as a special use only.
- C. Signs which may be, or may hereafter become, rotted, unsafe, or unsightly shall be repaired or removed by the permittee or owner of the sign or upon written notice by the Village.
- D. No sign or device is permitted which includes flashing lights, intermittent lights, rotating

lights, moving lights, mechanically moving parts, or noise emissions.

- E. No sign over four (4) square feet may be suspended by chains, ropes, or other non-mechanical means that readily permit the sign to swing or move freely.
- F. No vehicular sign attached or painted onto an inoperable or unlicensed motor vehicle in view of the public right-of-way or attached to or painted on a licensed motor vehicle or trailer which is parked or maintained in full view of the right-of-way or on the property to which the sign thereon refers for a period of not more than 20 days in a calendar year shall be permitted.
- G. No other sign not specifically permitted by this Ordinance shall be erected or maintained.

Section

1001.4 Sign Maintenance.

- A. All signs shall be maintained in reasonably good and upkept condition and kept in an overall clean, neat state of appearance. It shall be the responsibility of the permit holder and/or property owner to maintain the sign and the sign structure.
- B. Signs which no longer serve the purpose for which they are intended, or are not reasonably maintained, or which have been abandoned, shall be removed within ninety (90) days following the permit holder(s) or property owner(s) receipt of written notice from the Village by the latest permit holder, or the property owner. If the sign is not removed within this prescribed period of time, the Village may remove the sign at the expense of the property owner and permit holder.
- C. Within thirty (30) days following receipt of the written notice referred to in Paragraph B above, the permit holder or the property owner may appeal the decision to remove the sign to the Zoning Board of Appeals by filing a written notice with the Zoning Administrator. Within ten (10) days following a decision by the Zoning Board of Appeals, the permit holder or property owner may appeal the decision of the Zoning Board of Appeals to the Village Board of Trustees by filing a written notice with the Zoning Administrator. Within thirty (30) days following an appeal of a decision of the Zoning Board of Appeals herein, the Village Board of Trustees shall affirm, reverse, or modify the decision.

Section

1002. Regulations for Permanent Signs, including Business Signs, and other Permanent Signs.

- A. Location.
 - 1. All sign bases and sign pylons shall be permanently installed in concrete or into the ground below the frost line. They shall be located not closer than five (5) feet to the property line. A vision triangle extending thirty (30) feet measured along all right-of-way lines for all public street intersections shall be maintained. No sign or structure shall be permitted within such vision triangle which materially impedes vision above the height of two and one-half (2½) feet and below eight (8) feet.

2. The face of any freestanding sign shall not project beyond the property line.
3. All business signs shall be installed on the same zoning lot on which the business is located.
4. Projecting Signs.
 - (a) Signs (not freestanding) projecting over any public right-of-way require approval from the Village Board prior to issuance of zoning clearance, except for a business identification sign painted on a canvas awning.
 - (b) In the Commercial Retail (CR) District, projecting signs, awnings or marquees shall extend no further than thirty-six (36) inches into the right-of-way. In no case shall said signs be extended over the pavement of a public street or alley more than sixty (60) inches, provided that it shall extend no further than thirty-six (36) inches into the right-of-way.
 - (c) Vertical clearance shall not be less than ten (10) feet from grade over any public or private sidewalk. Vertical clearance for signs projecting over private street, parking lot, or alley shall not be less than fifteen (15) feet from grade.
5. Free-Standing Signs.
 - (a) Freestanding signs must be set back thirty (30) feet from any lot containing a single or two-family dwellings except in situations where the dwellings are on the same lot as the business placing the sign.
 - (b) Freestanding signs must be set back fifteen (15) feet from any street or driveway intersection or at their lowest point be six (6) feet above grade to permit proper corner traffic vision.
 - (c) Within Industrial Districts all free-standing signs shall have a minimum setback of fifteen (15) feet from any public road right-of-way and shall not be placed in any side or rear yard, except those necessary for traffic control, directional or safety purposes.
6. Residential uses shall be protected from glare or reflection. Illuminated signs shall not produce more than one (1) foot candle of light four (4) feet from the sign.

Section

1002.1 Residential Districts.

In the Residential Districts, signs shall be regulated as follows:

A. Residential Uses.

1. Single-family dwellings: for each dwelling unit, nameplates and identification signs indicating the name and addresses of the occupant not exceeding a total of two (2) square feet in area. On a corner zoning lot, nameplates for identification signs shall be permitted for each dwelling unit, on each street side.
2. Multiple-family dwellings: for each multiple-family dwelling, identification signs

indicating only the name and address of the building and the name of the management not exceeding a total of thirty-two (32) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner zoning lot, identification signs may be permitted on each street side.

B. Nonresidential Uses.

1. Church bulletins, cemeteries, educational institution, recreation and social facilities, and other similar uses: identification signs not exceeding a total of sixty-four (64) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner zoning lot, identification signs shall be permitted on each side.
2. Agricultural products: Signs advertising the sale of agricultural products grown or produced on the property not exceeding a total of sixteen (16) square feet in area.
3. Projection and Height: No sign when attached to the wall of a building or structure, shall project more than eighteen (18) inches from the wall to which it is attached. No sign shall project more than fifteen (15) feet above the curb level.

C. "For Sale" or "For Rent" Signs.

There shall be no more than (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each side street. No sign shall exceed thirty-two (32) square feet in area and shall not be placed closer than eight (8) feet to any other zoning lot.

D. Advertising Signs.

Advertising signs shall be prohibited in the Residential Districts.

Section

1003. Commercial and Industrial Districts.

A. Multi-tenant business on a single zoning lot in commercial and industrial zoning districts.

1. A shopping center or shopping mall may erect one free-standing or pylon sign, except that if such shopping center is located on a corner lot or a through lot and if the least dimension of such lot is 500 feet or more, two free-standing or pylon signs may be permitted.
2. No more than one free standing sign may be located on the same street frontage.
3. Billboards are not permitted on the same zoning lot with the shopping center.
4. All multi-tenant businesses shall be permitted one (1) wall, mansard, marquee, canopy, internally illuminated awning or projecting sign for each business.
5. Aggregate surface area of all business signs shall not exceed two (2) square feet for each lineal foot of street frontage of the parcel on which the

business is located – OR – two (2) square feet for each lineal foot of building frontage facing a public street, whichever is greater.

The total on-premises sign area of all signs for a single business shall not exceed 250 square feet.

6. Corner lots or lots with access to two streets shall be permitted two (2) freestanding signs, provided the second sign is installed on the second street frontage, and two (2) wall, mansard, marquee, canopy, internally illuminated awning or projecting signs for each premise provided the second sign is installed on the second street frontage. An additional 100 square feet of signage is allowed for the second free standing sign and wall sign on the second street frontage (for a total not to exceed 350 total square feet of signage for said businesses on said lot.)
7. Interior advertising within a shopping mall shall not be subject to the Village of Durand Sign Code.

B. Single Business on a Single Zoning Lot – Commercial and Industrial Zoning Districts.

1. In a commercial or industrial district, each business shall be permitted two (2) signs and one changeable letter signboard, except that a business located on a corner lot may be allowed one additional building wall mounted sign or lettering on a side street building wall.
2. Only one of the permitted signs may be a freestanding or pylon sign.
3. The area of all permanent advertising signs shall not exceed two (2) square feet of sign area for each lineal foot of lot street frontage. In the case of a corner lot, the lot frontage for purpose of this subsection shall be considered the longest width.
4. The total on-premises sign area of all signs for a single business shall not exceed 250 sq.ft., except that a business located on a corner lot or a lot with access to two streets shall be entitled to an additional 100 square feet of signage for the additional building wall mounted sign or lettering facing the second or side street frontage as authorized in Paragraph (B)(1) above.

C. Directional Signs in Commercial and Industrial District

1. Non-advertising, on-site directional signs are permitted (for example, indicating entrance, exit, caution, restrooms, slow, no trespassing, parking regulations) when located on the same zoning lot and pertaining to a particular business. The business identification face for each sign is limited to two (2) square feet, and the total sign face is limited to ten (10) square feet.
2. Service Directories for medical and educational facilities with multiple buildings or pedestrian entrances and multiple parking lots are permitted as follows:
 - (a) Directories are limited to eight (8) feet in height and thirty-two (32) square feet in total directory face and are subject to applicable setback requirements.

- (b) Only the name of the facility, logo and directional information are permitted on each directory.
 - (c) Directionals must be accompanied by a site plan demonstrating that they will be used to direct traffic.
- D. Height – No sign shall project higher than thirty (30) feet above grade level.
- E. Temporary Signs
- Temporary signs not exceeding 32 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period.
- F. Pylon Signs
1. Pylon signs are signs in excess of ten (10) feet in height supported by a single pole or support structure.
 2. The maximum area of the face of any pylon sign shall be 100 square feet.
 3. The minimum clearance over driveways and parking areas shall be 15 feet.
 4. The pole support of a pylon sign shall not be less than 40 feet from any lot in any residential district.
 5. More than one sign may be attached to one or more pylons and be classified as one sign when a group of businesses occupies one or more than one building on one lot. The total sign surface area on the face of the pylon sign, including the individual signs, shall not exceed 100 square feet. The individual business signs attached to pylons shall be included in the total allowable signage for each individual business.

Section

1003.1 Off Premises Signs and Billboards

- A. Off-premises signs and billboards are hereby defined as advertising signs advertising goods or services not provided on the parcel in which the sign is located.
- B. Off-premises signs and billboards may be allowed only within the "C" Commercial District, located and on streets or highways designated as part of the state trunk highway system.
- C. The maximum size for off-premises signs and billboards is 32 square feet.
- D. Off-premises signs and billboards shall be no more than six (6) feet off the ground at their highest point. A vision triangle extending thirty (30) feet measured along all right-of-way lines for all public street intersections shall be maintained. No sign or structure shall be permitted within such vision triangle which materially impedes the vision above the height of two and one-half (2½) feet and below eight (8) feet.
- E. Off-premises signs and billboards shall not be located within 200 feet of a dwelling nor within 100 feet of another off-premises sign.

Section

1003.2 Portable Trailer Signs and Signboards.

- A. Size Limitations - Portable trailer signs or signboards shall not exceed fifty (50) square feet in area.
- B. Temporary Use Only – Trailer signs and signboards shall not be located in a residential district for a period exceeding forty-eight (48) hours in any six month period or in a nonresidential district for a period exceeding ten (10) days in any six month period.
- C. Lighted Portable Signs – Lighted portable trailer signs shall require both an electrical and sign permit. Such signs may not project over the public right-of-way, nor include flashing lights or lights that may be confused with traffic or emergency lights. They may not be allowed projector lamps, inside silvered lamps, or exterior exposed lamps. Such signs must also be labeled by a recognized testing laboratory and shall include a ground fault interrupter (GFI) device.

Section

1004. Exceptions.

Exceptions from the sign requirements in this section may be authorized by the Zoning Board of Appeals and approved by the Village Board after specific finding by the Zoning Board of Appeals that such exception is reasonable and necessary under special circumstances for which the exception is requested and that such exception will not violate the intent of these provisions. Exceptions shall be processed as Special Uses subject to necessary public hearings and all of the other provisions of this Article with respect to special Uses. The Zoning Board of Appeals may stipulate conditions it deems necessary to protect the public health, safety and welfare.

([Ordinance No. 2009-18, 11/23/2009.](#))

ARTICLE XI

OFF-STREET PARKING AND LOADING

Section

1100 Purposes.

- A. Parking Purposes. In order to alleviate or prevent traffic congestion and shortage of curb space, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking space prescribed in this Article or to be prescribed by the Village Board of Trustees shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact.
- B. Loading Purposes. In order to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public, minimum loading requirements for the use of property in the Village shall be provided.

Section

1101 General Provision - Parking and Loading.

- A. Existing Parking and Loading Facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date shall not further be reduced below the requirements of this Ordinance for a similar new buildings or use.
- B. Damage or Destruction. For any conforming or legally nonconforming structure or use which is in existence on the effective date of this Ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored to continue in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.

Section

1102 Additional Regulations - Parking.

- A. At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accord with the Schedule of Off-Street Parking Space Requirements prescribed in Section 1103. For the purpose of this section the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by more than ten (10) percent of the total parking spaces required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number of existing prior to the alteration or enlargement, unless the pre-existing number is greater than the number prescribed in Section 1103, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. Surfacing. All off-street parking areas shall be improved with a compacted crushed-stone base, not less than ten (10) inches thick, surfaced with not less than two (2) inches of bituminous

material or some comparable all-weather, dustless material.

C. Computation of Required Spaces.

1. Parking Schedule. The basis for the determination of the number of parking spaces required for a given use shall be the Schedule of Parking Requirements (Section 1103). Where a use is not specifically listed, parking spaces shall be provided as required for as the most similar listed use or as determined by the Zoning Officer.
 2. Fractions. When determination of the number of parking spaces required by this Ordinance results in a requirements of a fraction of less than one-half (1/2), that fraction may be disregarded; while a fraction equal to or greater than one-half (1/2) shall be counted as one (1) parking space.
 3. Spaces Required on an Employee Basis. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- D. Size. A required off-street parking space shall be at least eight and one-half (8 1/2) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisle, ramps, columns, or office or work areas.

Section

1103 Schedule of Parking Requirements. For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

A. Residential Uses, as follows:

1. RR, R1, and R2. Two (2) off-street parking spaces shall be provided for each dwelling unit.
2. RM. One (1) parking space shall be provided for each lodging unit and one and one-half (1 1/2) spaces for all other dwelling units.
3. Motels, hotels, lodging houses, and private clubs providing sleeping accommodations. One space for each guest room or for each two (2) beds, whichever is greater, plus one space for each two (2) employees.
4. Mobile Home Park. A minimum of two (2) improved off-street parking spaces shall be provided for each mobile home site.

B. Retail and Service Users, as follows:

1. In General. All retail and service uses shall provide one (1) parking space for each two (2) employees.
2. Retail Stores, Banks, and other Financial Institutions. One (1) parking space shall be provided for each three hundred (300) square feet of gross habitable floor area.
3. Car Wash. Automobiles waiting entrance to any car wash shall be provided with off-street parking spaces equal to five (5) times the number of vehicles undergoing some phase of cleaning.

4. Bowling Alleys. Three (3) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - taverns, restaurants, and the like.
5. Establishments, Dispensing Food or Beverages for Consumption on the Premises. One (1) parking space shall be provided for each three hundred (300) square feet of floor area.
6. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each five hundred (500) square feet of floor area.
7. Motor Vehicle Sales and Machinery Sales. One (1) parking space shall be provided for five hundred (500) square feet of floor area.
8. Theaters, (Indoor). One (1) parking space shall be provided for each four (4) seats.
9. Undertaking Establishments, Funeral Parlors. Twenty (20) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
- C. Offices - Business, Professional and Governmental; Medical, Dental and Optical Clinics; and Offices of Health, Medical and Welfare Institutions. One (1) parking space shall be provided for each three hundred (300) square feet of floor space.
- D. Wholesale Establishments, Warehouses and Storage Buildings. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.
- E. Church, School, Community Services Uses and Other Institutional Auditoriums. One (1) parking space shall be provided for each four (4) auditorium seats. Adequate space shall also be provided for buses used in connection with the activities in the institution, and all loading and unloading of passengers shall take place upon the premises.
- F. Other Uses. For uses not listed heretofore in this Schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the Zoning Board of Appeals.

Section

1104

Additional Regulations - Off-Street Loading.

- A. Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property in a Residential District unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.
- B. Size. Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which least interferes with traffic.
- D. Surfacing. All open off-street loading berths shall be improved with a compacted crushed-stone

base, not less than ten (10) inches thick, surfaced with not less than two (2) inches of bituminous material or some comparable all-weather, dustless material.

- E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence, Office, or Business District.
- F. Space allotted to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use - as determined by the Zoning Board of Appeals shall be provided.

Section

1105 Schedule of Loading Requirements. For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of building or portions therefore devoted to such uses in the amounts shown herein.

(See Page 69 for Schedule)

Section
1105

Schedule of Loading Requirements (continued)

USE	GROSS FLOOR AREA In Square Feet	REQUIRED NUMBER and MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Hospitals, Sanitariums and Other Institutional Uses	10,000 to 200,000	1 - 12 ft. x 30 ft.
Hotels, Clubs and Lodges	For each additional 200,000 or fraction thereof	1 additional 12 ft. x 30 ft.
Hotels, Clubs and Lodges when containing any of the following: Retail Shops, Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices (other than accessory).	10,000 to 20,000	1 - 12 ft. x 30 ft.
	20,000 to 150,000	1 - 12 ft. x 50 ft.
	For each additional 150,000 or fraction thereof	1 additional 12 ft. x 60 ft.
Retail Stores.	5,000 to 10,000	1 - 12 ft. x 30 ft.
Establishments Dispensing Food or Beverages for Consumption on the Premises.	10,000 to 25,000	2 - 12 ft. x 30 ft. ea.
	25,000 to 40,000	2 - 12 ft. x 60 ft. ea.
Motor Vehicle and Machinery Sales	40,000 to 100,000	3 - 12 ft. x 60 ft. ea.
Wholesale Establishments (but not including warehouse and storage buildings other than accessory).	For each additional 200,000 or fraction thereof	1 additional 12 ft. x 60 ft.
Auditoriums, Convention Halls, Exhibition Halls, Sport Arenas, Stadiums, Bowling Alleys.	10,000 to 20,000	1 - 12 ft. x 30 ft.
	20,000 to 100,000	1 - 12 ft. x 60 ft. ea.
Banks and Offices - Business, Professional and Governmental.	10,000 to 20,000	1 - 12 ft. x 30 ft.
	For each additional 200,000 or fraction thereof	1 additional 12 ft. x 30 ft.
Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products	5,000 to 10,000	1 - 12 ft. x 30 ft.
	10,000 to 40,000	1 - 12 ft. x 60 ft.
	40,000 to 100,000	1 - 12 ft. x 60 ft. ea.
Warehouses and Storage Buildings.	For each additional 100,000 or fraction thereof	1 additional 12 ft. x 60 ft.
Theaters.	8,000 to 25,000	1 - 12 ft. x 30 ft.
	For each additional 50,000 or fraction thereof	1 additional 12 ft. x 30 ft.
Undertaking Establishments	8,000 to 100,000	1 - 12 ft. x 30 ft.
	For each additional 100,000 or fraction thereof	1 additional 12 ft. x 30 ft.

ARTICLE XII

VARIATION

Section

1200 Purpose. The Board of Appeals with final decision by the Village Board of Trustees shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent, only in specific instances where the Board of Appeals makes a finding of fact, based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance, and that the granting of a variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty.

The Village Board of Trustees may grant variations to the regulations prescribed by this Ordinance, in accord with use procedure prescribed in this Article, with respect to fences, walls, hedges, screening, and landscaping; site area, width, frontage, depth, and coverage; front, rear and side yards, basic floor area; usable open space; height of structures; distances between structures; courts; signs; and off-street parking and loading facilities.

Section

1201 Application and Fee.

- A. Data to be Furnished. Application for a variation shall be made to the Zoning Administrator on a form prescribed by the Zoning Board of Appeals, which shall include the following data:
1. Name and address of the applicant
 2. Statement that the applicant is the owner or the authorized agent for the owner of the property on which the variation is being requested.
 3. Address or description of the property.
 4. Statement of the precise nature of the variation requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance that would result from a strict or literal interpretation and enforcement of a specified regulation of this Ordinance, together with any other data pertinent to the findings prerequisite to the granting of a variation, prescribed in Section 1204, Action of the Zoning Board of Appeals.
 5. Name and address of all adjacent property owners.
- B. Map.
1. The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five (5) feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrians walks, off-street loading and off-street parking facilities, and landscaped areas.
 2. If required for a public hearing as prescribed in Section 1202, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing locations of streets and property lines.
 3. The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary to enable the Zoning Board of Appeals to determine whether the circumstance required for the granting of a variation exist.
- C. Fee. The application shall be accompanied by all required fees as prescribed from time to time by the Board of Trustees of the Village of Durand to cover the cost of processing the application as provided in this Article. (Ord. 22009-17, 11/09/2009)

Section

1203 Public Hearing: Notice. The Zoning Board of Appeals shall hold a public hearing on an application for a variation within forty-five (45) days of the date when the application was filed. Notice of a public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by the publication in a newspaper of general circulation within the Village of Durand, and by notifying the record title owners of adjacent property by U.S. Mail, at the address from the latest adopted tax roles. Failure to make said notice by U.S. Mail shall not invalidate the proceedings.

Section

1204 Public Hearing: Procedure. At a public hearing the Zoning Board of Appeals shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variation, particularly with respect to the findings prescribed in Section 1204, Action taken by the Zoning Board of Appeals.

Section

1204 Action by Zoning Board of Appeals. Within forty-five (45) days after the close of the public hearing on a proposed variation, the Board of Appeals shall make a written finding of fact and submit its recommendation to the Village Board of Trustees.

For the Board of Appeals to make an affirmative recommendation on any proposed variation, it must find that each of the items are met:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
- B. That there are exceptional or extraordinary circumstance or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district.
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- D. That the granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- E. That the granting of the variation will not be detrimental to the public health, safety, welfare, or materially injurious to the properties or improvements in the vicinity.

If the Board of Appeals fails to act within forty-five (45) days of the public hearing, the variation shall be deemed a denial. The Zoning Administrator shall forward the Board of Appeals' decision and records to the Village Board of Trustees within ten (10) days after action or within fifty-five (55) days from the date of the public hearing if not action has been taken by the Board of Appeals.

Section

1205 Conditions. The Board of Appeals may recommend and the Village Board of Trustees may require such conditions or restrictions upon the construction, location, and operation of a variation, as deemed necessary to secure the general objectives of this Ordinance. Such conditions or restrictions shall include, but not be limited to provisions for the protection of adjacent property, the expiration of said variation after a specified period of time, and off-street parking.

Section

1206 Action of Village Board of Trustees. A variation shall be authorized by the Village Board of Trustees by Ordinance within forty-five (45) days upon receipt of the Board of Appeals decision. The Village Board of Trustees may affirm, reverse, or modify a decision of the Zoning Board of Appeals on a variation application, provided that if a decision granting a variation is modified, the Village Board of Trustees on the basis of the record transmitted by the Zoning Administration and such additional

evidence as may be submitted, shall make findings of fact that establish that the circumstances prerequisite to the granting of a variation prescribed in Section 1205.

Section

1207 Lapse of Variation.

- A. A variation shall lapse and shall become void one year following the date on which the variation became effective unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variation application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variation application, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A variation may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the variation originally became effective, an application for renewal of the variation is made to the Zoning Board of Appeals.
- C. The Zoning Board of Appeals may grant or deny an application for renewal of a variation.
- D. Section 1202-1206 shall apply to an application for renewal of a variation.

Section

1208 Revocation. A variation granted subject to a condition or conditions shall be revoked by the Village Board of Appeals if the condition or conditions are not complied with. The Zoning Board of Appeals shall hold a public hearing within forty-five (45) days, in accord with the procedure prescribed in Section 1202-1204 and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the variation or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

The Village Board of Trustees shall review the recommendation of the Zoning Board of Appeals on the revocation and render a decision as prescribed in section 1206. The decision shall become effective the date on which the variation was revoked.

Section

1209 New Application. No application for a variation which has been denied wholly or partly by the Village Board of Trustees shall be resubmitted for a period of one (1) year from date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

ARTICLE XIII

SPECIAL USES

Section

1300 Purpose. In order to give the district use regulations of this Ordinance the flexibility necessary to achieve the objectives of the Zoning Ordinance, in certain districts special uses are permitted, subject to the granting of a use permit. Because of their unusual characteristics, special uses require careful consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance and with respect to their effects on surrounding properties. Permits for such special uses in such districts as are prescribed in the district regulations may impose reasonable conditions upon the granting of use permits, subject to the right of appeal by the Village Board of Trustees.

Section

1301 Application and Fee.

- A. Data to be Furnished. Application for a Special Use Permit shall be made to the Zoning Administrator on a form prescribed by the Zoning Board of Appeals, which shall include the following data:
1. Name and address of the applicant.
 2. Statement that the applicant is the owner or the authorized agent for the owner of the property on which the use is proposed to be located.
 3. Address or description of the property.
 4. Statement indicating the precise manner of compliance with each of the applicable provisions of this Ordinance, together with any other data pertinent to the findings prerequisite to the granting of a Special Use Permit, prescribed in Section 1302.
 5. Name and address of all adjacent property owners.
- B. Map. The application shall be accompanied by the following plans and drawings:
1. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing location of streets and property lines.
 2. An accurate scale drawing of the site showing the contours at intervals of not more than five (5) feet and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street loading and off-street parking facilities, and landscaped areas.
 3. The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary to enable the Zoning Board of Appeals to determine whether the proposed use will comply with each of the applicable provisions of this Ordinance.
- C. Fee. The application shall be accompanied by all required fees as prescribed from time to time by the Board of Trustees of the Village of Durand to cover the cost of processing the application as provided in this Article. (Ord. 2009-17, 11/09/2009)

Section

1302 Public Hearing: Notice. The Zoning Board of Appeals shall hold at least one public hearing on each applicant for a Special Use permit within forty-five (45) days of the date when the application was filed. The Zoning Administrator shall set time and the place of the hearing if the application is made to him. Notice of the hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the Village of Durand, and by notifying the record title owners of adjacent property by U.S. Mail at the address from the latest adopted tax roles. Failure to make said notice by U.S. mail shall not invalidate the proceedings.

Section

1303 Public Hearing: Procedure. At the public hearing the Zoning Board of Appeals shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with regard to the findings prescribed in Section 1304, Action by Zoning Board of Appeals.

Section

1304 Action by Zoning Board of Appeals. Within forty-five (45) days after the close of the public hearing on a proposed special use, the Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the Village Board of Trustees.

For the Board of Appeals to make an affirmative recommendation on any proposed special use, it must find that each of the following items are met:

- A. That the proposed location of the special use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.
- B. That the proposed location of the special use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or improvements in the vicinity.
- C. That the proposed special use will comply with each of the applicable provisions of this Ordinance. If the Board of Appeals fails to act within forty-five (45) days of the public hearing, the special use shall be deemed approved by the Board of Appeals. The Zoning Administrator shall forward the Board of Appeals decision and records to the Village Board of Trustees within ten (10) days after action or within fifty-five (55) days from the public hearing if no action has been taken by the Board of Appeals.

Section

1305 Conditions. The Board of Appeals may recommend and the Village Board of Trustees may require such conditions or restrictions upon the construction, location, and operation of a special use, as deemed necessary to secure the general objectives of this Ordinance. Such conditions or restrictions shall include, but not be limited to, provisions for the protection of adjacent property, the expiration of said Special Use Permit after a specified period of time, and off-street parking and loading.

Section

1306 Action by Village Board of Trustees. A Special Use Permit shall be authorized by the Village Board of Trustees by Ordinance within forty-five (45) days upon receipt of the Board of Appeals decision. The Village Board of Trustees may affirm, reverse, or modify a decision of the Zoning Board of Appeals, provided that if a decision denying a Special Use Permit is reversed or a decision granting a use permit is modified, the Village Board of Trustees, on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted shall make the findings prerequisite to the granting of a Special Use Permit prescribed in Section 1304.

Section

1307 Lapse of Special Use Permit.

- A. A Special Use Permit shall lapse and shall become void one (1) year following the date on which the Special Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the Special Use Permit application, or a certificate of occupancy is issued for the structure which was the subject of the Special Use Permit application.
- B. A Special Use Permit may be renewed for an additional period of one (1) year, provided that prior to the expiration, one (1) year from the date when the Special Use Permit originally became effective, an application for renewal of the Special Use Permit is filed with the Zoning Board of Appeals.
- C. The Zoning Board of Appeals may grant or deny an application for renewal of a Special Use Permit.
- D. Section 1301-1306 shall apply to an application for renewal of a Special Use Permit.

Section

1308 New Application. No Application for a special use which has been denied wholly or partly by the Village Board of Trustees shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.

Section

1309 Revocation. Upon violation of any applicable provisions of this Ordinance, or, if granted subject to a condition or conditions upon failure to comply with the condition or conditions, a Special Use Permit shall be suspended automatically. The Zoning Board of Appeals shall hold a public hearing within forty-five (45) days in accord with the procedure prescribed in Section 1302, Public Hearing: Notice, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the Special Use Permit to take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within five (5) days following the date of a decision of the Zoning Board of Appeals revoking a Special Use Permit the Zoning Administrator shall transmit to the Village Board of Trustees written notice of the decision. The decision shall become final ten (10) days following the date on which the Special Use Permit was revoked or on the day following the next meeting of the Village Board of Trustees, whichever is later, unless an appeal has been taken to the Village Board of Trustees or unless the Village Board of Trustees shall elect to review the decision of the Zoning Board of Appeals, in which cases Section 1306-1309 shall apply.

Section

1310 Special Use Permit to Run With the Land. A Special Use Permit granted pursuant to the provisions of this Article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Special Use Permit application.

Section

1311 Special Use Permit for Planned Community Development (ORD 2001-5, 5/29/01)

(1) Procedure. Planned community developments may be permitted in any district by special use permit in accordance with the procedures of this section.

(2) Definition. A planned community development is a development occupying not less than ten (10) acres which shall include all land within the project boundaries plus one-half (1/2) of all adjacent public right-of-ways involving a related group of associated uses, planned as an entity and therefore, acceptable for development and regulation as one complete land use unit.

(3) Applicant. The applicant for a planned community development special use permit shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this

section, "owner" shall mean and include any public body corporate, a holder of a written option to purchase or a redeveloper under contract with the local public agency for urban renewal.

(4) Purpose. The planned community development provision was established for the purpose of:

(a) Providing a procedure by which new communities or larger integrated developments may be processed.

(b) To encourage developers to prepare comprehensive land use plans for large acreages as opposed to "piece meal" solutions.

(c) To encourage variety in physical development through the use of new techniques in site development not attainable by conventional zoning application.

(d) To insure adequate provisions for environmental amenities for new urban areas such as parks, schools, open space, utilities and services.

(5) Permitted uses. Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered, in a planned community development, except for the following uses:

(a) Any use that is approved by the planned community development special use permit.

(b) A temporary real estate office in conjunction with a planned community development limited to the selling or renting of properties in a planned community development and in no case to be in operation for more than one (1) year following completion date of such construction.

(c) Temporary construction buildings and uses related to the planned community development provided all buildings are removed and uses ceased upon completion date of such construction.

(d) Accessory uses and building incidental to any use permitted or allowed by this section.

(6) Procedure. A planned community development may be initiated by filing for a planned community development special use permit.

(7) Pre-application Conference. Prior to applying for a planned community development special use permit the applicant is required to confer with the Village Plat Officer/Planner and Village Engineer. A conference shall be scheduled by the Village Plat Officer/Planner within thirty (30) days after receipt of the following basic information and data, displayed to scale on maps:

(a) The boundaries of the property;

(b) Existing easements and covenants affecting the property;

(c) Land characteristics, such as natural drainage, swamp areas, wooded areas and topography at two (2) foot contours;

(d) Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities; and

(e) An overall land use development plan with a road and street system accompanied with data such as land use acreage, residential density, commercial and industrial floor area relevant to the land use components scheme on the proposed development plan.

(8) Review and recommendation. Following the pre-application conference, the Zoning Board of Appeals shall review the proposed planned community development to determine its conformity

with land development trends in the community; standards of the official comprehensive plan, recognized principles of design, land use planning and landscape architecture. The review will be communicated to the applicant within fifteen (15) days from the date of the pre-application conference.

(9) Filing procedure. After being informed of the report, the applicant may file for a planned community development special use permit. All procedural rules in regard to the filing of a planned community development special use permit shall be the same as in the case of a regular petition for special use permit, excepting where the same are in conflict with the terms of this section.

(10) Guarantee of completion. Before final approval of a planned community development special use permit, the Zoning Board of Appeals on its own initiative may recommend and the Village Board may require a contract with safeguards satisfactory to the Village Attorney guaranteeing completion of the planned community development in a period specified by the Zoning Board of Appeals unless extended by the Village Board.

(11) Revocation. In any case when construction of a planned community development has not commenced within one year after the date of approval, the Zoning Board of Appeals shall review such planned community development and recommend to the Village Board whether or not the planned community development special use permit should be revoked or continued.

(12) Fee. Zoning lot of not more than twenty (20) acres in area, \$300.00. (Plus \$25.00 for each acre or part thereof in excess of twenty (20) acres, with a total maximum of \$600.00.)

ARTICLE XIV

AMENDMENTS

Section

1400 Purpose. This Ordinance may be amended by changing the boundaries of any district, or by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision thereof in accord with the procedure prescribed in this Article.

Section

1401 Initiation.

A. A change in the boundaries of any district may be initiated by petition of any person, firm or corporation owning or leasing property in the Village of Durand. If a proposed change of a district is in more than own ownership, all the owners or their authorized agents shall join in filing the application.

B. A change in boundaries of any district or a change in a district regulation, off-street parking and loading, general provision, exception, or other provision may be initiated by action of the Zoning Board of Appeals or Village Board of Trustees, provided that in either case the procedure prescribed in Section 1402 through 1407 shall be followed.

C. A proposal for a change in district boundaries initiated by the Board of Trustees and one initiated by a property owner for all owners for all or part of the same area may be considered simultaneously.

Section

1402 Application and Fee.

A. Data to be Furnished. A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the Zoning Board of Appeals which shall include the following data:

1. Name and address of the applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
3. Address or description of the property.
4. Name and address of all adjacent property owners.

B. Map. The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of streets and property lines.

C. Fee. The application shall be accompanied by all required fees as prescribed from time to time by the Board of Trustees of the Village of Durand to cover the cost of processing the application as provided in this Article. (Ord. 2009-17, 11/09/2009)

Section

1403 Public Hearing: Notice. The Zoning Board of Appeals shall hold a public hearing on each application for a change in a district boundaries or for a change of a district regulation, off-street parking requirements, general provisions, exception or other provision of this Ordinance within forty-five (45) days of the date when the application was filed or the proposal was initiated. Notice of the public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the Village of Durand, and by notifying the record title owners of adjacent property by U.S. Mail at the address from the latest adopted tax roles. Failure to make said notice by U.S. Mail shall not invalidate the proceedings.

Section

1404 Public Hearing: Procedure. At the public hearing the Zoning Board shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of the Zoning Ordinance prescribed in Section 100.

Section

1405 Action by Zoning Board of Appeals. Within forty-five (45) days following the public hearing the Zoning Board of Appeals shall make a specific finding as to whether the change is consistent with the objectives of the Zoning Ordinance prescribed in Section 100. The Zoning Board of Appeals shall transmit a report to the Village Board of Trustees recommending that the application be granted, granted in modified form or, rejected, together with a copy of the application, resolution of the Zoning Board of Appeals, or request of the Village Board of Trustees; the scale drawing of the site and the surrounding area and all other data filed therewith; the minutes of the public hearing; and the findings of the Zoning Board of Appeals.

Section

1406 Action of the Village Board of Trustees. An amendment shall be passed by Ordinance with a majority vote of the Village Board of Trustees. An amendment shall be passed only by a favorable vote of two-thirds (2/3) of all of the members of the Village Board of Trustees, if a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by the owners of twenty (20) percent or more of:

1. The frontage immediately adjoining or across an alley therefrom.
2. The frontage directly opposite the frontage proposed to be altered.

Section

1407 Effective or Denial of an Amendment. No application for a change in district boundaries, which has been denied wholly or partially by the Village Board of Trustees shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.

ARTICLE XV

ADMINISTRATION

Section

1500 Zoning Office.

- A. Creation. The Zoning Office is hereby created, and under the direction of a Zoning Administrator shall have the responsibility of administering and enforcing the provisions of this Ordinance.
- B. Powers and Duties. The Zoning Office shall enforce the provisions of this Ordinance, and in addition thereto and furtherance of said authority shall:
1. Examine and approve any application pertaining to the use of land, buildings, or structures to determine if the application conforms with the provisions of this Ordinance.
 2. Issue all zoning certificates and keep permanent records thereof.
 3. Issue all certificates of zoning compliance and keep permanent records thereof.
 4. Conduct such inspections of buildings, structure, and uses of land as are necessary to determine compliance with the terms of this Ordinance.
 5. Receive, file, and forward for action all applications for appeals, variations, special uses and amendments to this Ordinance which are filed in the Zoning Office.
 6. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Planning Commission and the Village Board of Trustees at least once a year.
 7. Revoke certificates of zoning compliance where provisions of this Ordinance are being violated.
 8. Issue certificates of zoning compliance for nonconforming uses existing at the time of passage of this Ordinance or any amendment thereto.
- C. All remedies provided for herein shall be cumulative and not exclusive.

Section

1501 Zoning Board of Appeals. (Ord. No. 1997-14; 11-97)

- A. Creation and Membership. The "Zoning Board of Appeals" or "Board of Appeals" or "Board" when used in this Article shall be construed to mean the Zoning Board of Appeals to the Village of Durand, Illinois or, as may be referred to in other sections of the general ordinances of the Village of Durand, Illinois as "Board of Zoning Appeals" and/or "Board of Zoning Appeals and Planning." No voting members of the Zoning Board of Appeals shall hold an elective office on the Village Board of Trustees. The Chairman of the Zoning Board of Appeals, or in his absence, the acting Chairman is hereby empowered to administer oaths, and to compel the attendance of witnesses at hearings conducted by the Zoning Board of Appeals.
- B. Meeting and Rules. All meetings of the Board of Appeals, except as otherwise noted in this subsection, shall be held at the call of the Chairman or any two (2) members thereof and at such other times as the Board of Appeals may determine. All hearings conducted by said Board of Appeals shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent, or attorney. The Board of Appeals shall keep minutes of its

proceedings showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, and shall also keep records of the hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed immediately in the Zoning Office and shall be a public record. (Ord. 2009-17, 11/09/2009)

At the discretion of the Zoning Administrator and at the request of an applicant, the Board of Appeals may convene a special meeting. In that event, the application of the applicant shall be accompanied by an additional fee of Two Hundred Dollars (\$200.00) to cover the cost of convening the special meeting of the Board of Appeals. (Ord. 2009-17, 11/09/2009)

The Board of Appeals shall adopt its own rules and procedure not in conflict with the Ordinance or with the applicable Illinois Revised Statutes, a copy of which shall be filed in the Zoning Office.

- C. Offices. The Village Board of Trustees shall provide suitable offices for the holding of hearings and presentation of records, documents and accounts.
- D. Appropriations. The Village Board of Trustees shall appropriate funds to carry out the duties of the Board of Appeals and the Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized herein.
- E. Jurisdiction. The Board of Appeals is hereby vested with the following jurisdiction and authority:
 1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board of Appeals may decide to be fitting and proper in the premises, and to that end, the Board of Appeals shall also have all the powers of the officer from whom the appeals are taken.
 2. To hear and decide all matters referred to it or upon which is required to pass under this Ordinance.
 3. To hear and pass upon applications for Special Use Permit, Variations and Amendments from a strict application of the terms of this Ordinance, in the manner and subject to the standards set out in this Ordinance
- F. Decision of the Board of Appeals. All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act," Illinois Revised Statute as amended.

Section

1502 Appeal of Zoning Administrator's Decision.

- A. Scope of Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or office, department, board, or bureau affected by a decision of the office of the Zoning Officer. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rules adopted by it, and shall be taken by filing with the Zoning Administrator a notice of appeal, specifying the ground thereof, together with such plats and exhibits as are reasonably necessary. Such Appeal shall be taken upon forms by the Board of Appeals. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record which the action appealed was taken.

- B. Hearing of Appeals. The Board of Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties of interest may appear in person or by agent or attorney to testify.
- C. Stay of Procedures. The appeal shall stay all proceedings and furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinions, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order which may be granted by Board of Appeals or by Court of Record on application, with notice to the officer from whom the appeal is taken and all due causes shown.

Section

1503 Enforcement.

- A. Permits, Certificates, and Licenses. All officials, departments and employees of the Village of Durand vested with the authority of duty to issue permits, certificates or licenses which conflict with the provisions of this Ordinance shall be void.
- B. Zoning Administrator's Responsibilities. The Zoning Administrator shall be the official responsible for the enforcement of this Ordinance. The Zoning Administrator may serve notice requiring the removal of any structure or use in violation of this Ordinance on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Zoning Administrator may call upon the Village Attorney to institute necessary legal proceedings to enforce the provisions of this Ordinance, and the Village Attorney is hereby authorized to institute appropriate actions to that end. The Zoning Administrator may call upon the Chief of Police and his authorized agents to assist in the enforcement of this Ordinance.
- C. Penalties. Failure to comply with any of the requirements of this Ordinance shall constitute a violation, and any person upon conviction thereof shall be fined not more than two hundred (200) dollars for each offense. ~~or imprisoned in the County Jail for a period of not more than six (6) months, or both. Proceedings may be commenced by warrant, arrest, or summons.~~ Each day the violation continues shall be considered a separate offense. (Ord. 2018-4, 2/26/18)

The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and subject to the above penalties.

The Village of Durand may also take other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XVI

ZONING PERMIT AND
CERTIFICATE OF OCCUPANCY

Section

1600 Purposes and Requirements. The ensure that each new or expended use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this Ordinance, and in order that the Village may have a record of each new or expanded use of a structure or site, a zoning permit is required before any building permit may be issued or any structure or site used; and a certificate of occupancy required by the Village Building Code shall be issued only for a structure that conforms with the Zoning Permit.

Section

1601 Application and Issuance of Zoning Permit. Application for a zoning permit shall be made on a form prescribed by the Zoning Board of Appeals and shall be accompanied by plans and additional information as necessary, in the opinion of the Zoning Administrator to demonstrate conformity with this Ordinance. The Zoning Administrator shall check with the application and all data submitted with it to see that all provisions of this Ordinance will be complied with.

Section

1602 Issuance of Building Permit. The Building Officer shall not issue building permits for signs or structures unless it conforms to an approved zoning permit or a Special Use Permit has been issued.

Section

1603 Issuance of Certificate of Occupancy. The Building Officer shall not issue a "Certificate of Occupancy" until all conditions of the zoning permit or Special Use Permit are met.

ARTICLE XVII

SEPARABILITY

Section

1700 Intent. It is hereby declared to be the intention of the Village of Durand that the provisions of this Zoning Ordinance are separable, in accordance with the following:

- A. If any court of competent jurisdictions shall declare any provisions of this Zoning Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in the said ruling.

- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Zoning Ordinance to a particular property, building or other structure, such ruling shall not affect the application of said provision to any other property, building or structure not specifically included in said ruling.

ARTICLE XVIII

SCREENING AND BUFFERING

Section

1800 **Intent.** The intent of this section is to provide minimum screening and buffering between potentially incompatible uses and between specific operations which may create a nuisance for the occupants of adjoining properties.

Section

1801 **Screening.** Whenever development cannot be placed in harmony with its surroundings, adequate screening and distance buffering shall be provided to make it so. Screening shall be an obscuring wall or fence or other method approved by the Zoning Administrator. The height of the obscuring fence shall not be more than six (6) feet. The table below indicates those conditions which are considered inherently disharmonious. Adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the property who created the disharmonious use condition.

SCREENING REQUIREMENTS

<u>Use or District</u>	<u>Potential Disharmonious Use</u>
a. Residential	Commercial Uses
b. Residential	Industrial Uses
c. Residential	Loading Areas
d. Residential	Utility Station

Section

1802 **Wall and Fence Materials.**

A. **Durable Materials.** All walls and fences hereafter erected shall be durable, weather resistant, rust proof, and easily maintained. All fences shall be kept in good condition, plumb and true, and without damage.

B. **Masonry Walls.** Masonry walls shall be erected on foundations which are a minimum of forty-two (42) inches below grade.

C. **Limitation on Open Grid Metal Fences (Chain Link).** Metallic cyclone-type or other open grid fences may not be used as required screening between residential uses and nonresidential uses. Such metallic fences may not be used in front yards except in industrial districts.

Section

1803 **Landscape Berms and Planting Strips.** Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Zoning Administrator. The general plant requirements shall be in accordance with Section 1808 of this Article. The landscape berms or planting strips which are required to be placed along

the boundaries of the zoning lot abutting properties in a disharmonious zoning district or uses are as follows:

Required Plants Per 100 L.F. of Screening

Yard	Berm or Strip Width	Number Deciduous Trees	Number Ornamental Trees	Number Evergreen Trees	Number Deciduous Shrubs	Number Evergreen Shrubs
Side	10'	2	3	3	20	15
Rear	15'	2	3	3	20	15

Section

1804 **Distance Buffering.** Certain uses and activities are inherently incompatible with other uses and activities and are hereby required to be separated as indicated below so as to reduce conflict and to maintain amenity.

MINIMUM DISTANCE BUFFEIRNG

<u>USE</u>	<u>MINIMUM PERMITTED DISTANCE IN FEET</u>
Quarrying operation or stockpile exceeding 15' in height	Minimum of 200' to any property line except a minimum of 100' to street right-of-way
Junkyards and salvaging operations	200' to residential uses and districts and 100' to other uses
Swimming Pools	All swimming pools shall be a minimum of 10' from the property line and surrounded by a security fence which is a minimum of 4' in height. All gates shall be secured when pool is unattended. Aboveground pools with walls 4' in height shall not require a fence; however, ladders for these pools shall be removed when not in use and steps to decks abutting these pools shall be secured with gates when unattended. (Ord. 2012-2, 3/26/12)
Swimming pool pump or filter	15' to property line if unenclosed, 10' to property line if enclosed. (Ord. 2012-2, 3/26/12)
Air conditioners, independently mounted in a commercial district	15' to property line
Loading docks	100' to an adjoining lot line of a residence or residential district (Ord.2012-2, 3/26/12)

Section

1805 **Required Screening for Trash Areas.** All uses that provide trash and/or garbage collection areas shall be enclosed on all four sides by screening at least four feet (4') in height or twelve inches (12") higher than the tallest receptacle, whichever is greater.

Section

1806 **Vision Clearance on Corner and Alley Lots.** A vision triangle extending thirty (30') feet from all public street intersections shall be maintained. No wall, fence, or earth mound shall be permitted within such vision triangle which materially impedes vision above the height of two and one-half (2½') feet and below eight (8') feet.

Section

1807 **Exceptions and Interpretation.**

- A. **Temporary Waivers.** The Zoning Administrator may temporarily waive screening requirements for a period not to exceed twelve (12) months.
- B. **Permanent Waivers.** In the event that terrain or other natural features are such that the erection of obscuring berms or planting strips, walls, or fences will not serve the intended purpose, as determined by the Zoning Board of Appeals, then no such screening, fences, or wall shall be required.

Section

1808 **General Plant Requirements.**

- A. **Standards.** All plants materials required by Section 1803, Landscape Berms and Planting Strips, shall conform to American Nurseryman's Association Standards.

All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened and landscaped with plant materials in accordance with Section 1803 of this Article as follows:

- 1. Screening of parking lots from public right-of-way (in 8' setback) consisting of one (1) deciduous shade tree, two (2) deciduous ornamental trees, and ten (10) shrubs (50% evergreen) per one hundred (100) L.F. of parking lot adjacent to right-of-way. Shrubs shall have mature size of three (3) feet minimum and five (5) feet maximum.
- 2. In addition, one (1) shade tree per ten (10) parking spaces shall be provided located within twenty (20') feet of parking.
- 3. Interior landscaped islands equal to three (3) per cent of the total paving area with one (1) deciduous shade tree per one hundred seventy (170) square feet of island (minimum island size is one hundred forty (140) square feet and seven feet (7') wide.)
- 4. No landscaping (other than lawn) is required for the three foot (3') wide paving setback.

- B. **Minimum Size for Plants.**

Deciduous Shade Tree	2" Caliper
Deciduous Ornamental Tree	6' Height
Evergreen Tree	6' Height
Deciduous Shrub	24" Height/Span

Evergreen Shrub

24" Height/Span

- C. The following plants **will not be counted** to meet the requirements either for Screening and Landscaping or for Landscaping Berms and Planting Strips (Section 1803).

<u>Botanical Name</u>	<u>Common Name</u>
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Ailantnus altissima	Tree of Heaven
Alnus species	Alders
Amorpha species	Indigo Bush
Aronia species	Chokeberry
Betula papyrifera	Paper Birch
Betula pendula	European White Birch
Betula populifolia	Gray Birch
Compsis species	Trumpet Creeper
Catalpa species	Catalpa
Celtis species	Hackberry
Cornus alternifolia	Pagoda Dogwood
Cornus racemosa	Gray Dogwood
Elagnus species	Russian Olive
Ginkgo biloba (female)	Maidenhair Tree only
Gleditisa triacanots (fruit & thorny varieties only)	Honey Locust
Lonicera Maackii	Amur Honeysuckle
Maclura pomifera	Osage-Orange
Malus species, except those disease resistant	Crabapples
Morus species	Mulberry
Paulonia species	Empress Tree
Populus species	Poplars, Cottonwood
Prunus species	Cherries, Plums, Apricots
Quercus palustris	Pin Oak
Rhammus species	Buckthorn
Rhus species	Sumac
Rosa species	Rose
Salix species	Willows
Sambucus species	Elderberry
Sorbus species	Mountain Ash
Syringa vulgaris	Common Lilac
Ulmus species	Elms

- D. Maintenance. It is the responsibility of the Owner to maintain all plant materials used for screening and buffering purposes.
- E. Tree Preservation. All existing trees, excluding those types listed in Section 1808 (C), six (6) inches in diameter or greater, located within twenty (20) feet of proposed parking areas or access roads, preserved and protected during construction shall be counted, in kind, towards the landscape requirement of this Section (i.e., (1) 6" caliper tree = (3) 2" caliper trees).
- F. Landscaping material must be installed within the next planting season after construction of the parking, loading or disharmonious use. ([Zoning Ordinance 2009-19, 12/14/2009](#))